

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joshua Brickell	Team: Team # 6	CCRB Case #: 201306285	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/05/2013 12:15 AM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 1/5/2015	EO SOL 1/5/2015	
Date/Time CV Reported Sun, 07/14/2013 2:26 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 07/14/2013 2:26 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Leonel Ramos	28782	944155	071 PCT
2. Officers			
3. POM Paul Mallilo	13570	949246	071 PCT
4. LT Steven Weiss	00000	924615	071 PCT
5. POM Richard Velez	22734	953525	071 PCT
6. SGT Gesner Charles	03036	925061	071 PCT
7. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Stephen Damico	31729	952636	071 PCT
2. POM Charles Arnone	03642	950021	071 PCT
3. LT Erik Worobey	00000	932229	071 PCT
4. SGT Larry Meyers	05284	939030	071 PCT
5. POF Meghan Biserta	13342	952469	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
6. POF Lauren Mendizza	12431	953102	071 PCT
7. POM Anthony Ahwal	01815	946722	071 PCT
8. POM Ryan Norwood	00421	949403	071 PCT
9. POF Katherine Tejada	06752	953474	071 PCT
10. POM Michael Gonzalez	14118	943313	071 PCT
11. LT Mark Jablonski	00000	922540	071 PCT
12. POM Frank Beers	17641	945498	071 PCT
13. CPT Thomas Burke	00000	915376	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Steven Weiss	Force: Lt. Steven Weiss used pepper spray against § 87(2)(b) at § 87(2)(b)	
B.POM Richard Velez	Force: PO Richard Velez used pepper spray against § 87(2)(b) at § 87(2)(b)	
C.POM Paul Mallilo	Force: PO Paul Mallilo used physical force against § 87(2)(b) at § 87(2)(b)	
D. Officers	Off. Language: Officers made remarks to individuals based upon race at § 87(2)(b)	
E. An officer	Discourtesy: An officer spoke discourteously to individuals at § 87(2)(b)	
F. An officer	Force: An officer used a chokehold against § 87(2)(b) at § 87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b) at § 87(2)(b)	
H. Officers	Force: Officers used pepper spray against § 87(2)(b) at § 87(2)(b)	
I.LT Steven Weiss	Force: Lt. Steven Weiss used physical force against § 87(2)(b) at § 87(2)(b)	
J. Officers	Force: Officers used physical force against § 87(2)(b) at § 87(2)(b)	
K.SGT Gesner Charles	Abuse: Sgt. Gesner Charles did not process § 87(2)(b) and § 87(2)(b)'s complaints at the 71st Precinct stationhouse.	
L.POM Leonel Ramos	Discourtesy: PO Leonel Ramos spoke discourteously toward § 87(2)(b) and § 87(2)(b) outside of the 71st Precinct stationhouse.	
M.POM Leonel Ramos	Discourtesy: PO Leonel Ramos acted discourteously toward § 87(2)(b) outside of the 71st Precinct stationhouse.	
N.POM Leonel Ramos	Force: PO Leonel Ramos used physical force against § 87(2)(b) outside of the 71st Precinct stationhouse.	

Case Summary

On July 14, 2013, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) via the online website, on behalf of himself, § 87(2)(b) and § 87(2)(b) (encl. 13A – D). On July 5, 2013, § 87(2)(b) and his neighbors hosted a Fourth of July party at § 87(2)(b) and the police responded. The following allegations resulted:

Allegation A – Force: Lt. Steven Weiss used pepper spray against § 87(2)(b) at § 87(2)(b)

Allegation B – Force: PO Richard Velez used pepper spray against § 87(2)(b) at § 87(2)(b)

§ 87(2)(g)

Allegation C – Force: PO Paul Mallilo used physical force against § 87(2)(b) at § 87(2)(b)

§ 87(2)(g)

Allegation D – Offensive Language: Officers made remarks to individuals based on race at § 87(2)(b)

Allegation G – Force: An officer used physical force against § 87(2)(b) at § 87(2)(b)

Allegation H – Force: Officers used pepper spray against § 87(2)(b) at § 87(2)(b)

§ 87(2)(g)

Allegation E – Discourtesy: An officer spoke discourteously to individuals at § 87(2)(b)

§ 87(2)(g)

Allegation F – Force: An officer used a chokehold against § 87(2)(b) at § 87(2)(b)

§ 87(2)(g)

Allegation I – Force: Lt. Steven Weiss used physical force against § 87(2)(b) at § 87(2)(b)

Allegation J – Officers used physical force against § 87(2)(b) at § 87(2)(b)

§ 87(2)(g)

Allegation K – Abuse of Authority: Sgt. Gesner Charles did not process § 87(2)(b) and § 87(2)(b) s complaints at the 71st Precinct stationhouse.

§ 87(2)(g)

Allegation L – Discourtesy: PO Leonel Ramos spoke discourteously toward § 87(2)(b) and § 87(2)(b) outside of the 71st Precinct stationhouse.

§ 87(2)(g)

Allegation M – Discourtesy: PO Leonel Ramos acted discourteously toward § 87(2)(b) outside of the 71st Precinct stationhouse.

§ 87(2)(g)

Allegation N – Force: PO Leonel Ramos used physical force against § 87(2)(b) outside of the 71st Precinct stationhouse.

§ 87(2)(g)

This case was reassigned to Inv. Brickell from Inv. Cassandra Watson on November 7, 2013, upon her departure from the CCRB. § 87(2)(g)

Results of Investigation

Facts Determined by the Investigation

The investigation determined that prior to the incident, there were approximately fifty to one hundred people in the yard in front of § 87(2)(b) for a Fourth of July barbeque. Alcohol was consumed, and fireworks were shot off near the location throughout the evening.

Civilian Statements

Complainant/Victim: § 87(2)(b)

- *On the date of the incident, § 87(2)(b) was § 87(2)(b). He is a black male, stands 5'10" tall, weighs 160 pounds and has black dreadlocks and brown eyes.*

Arrest Photograph

No arrest photograph was available for § 87(2)(b)

Statements to Medical Personnel:

§ 87(2)(a)

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CCRB Statement:

On August 8, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 15A – D). § 87(2)(g)

§ 87(2)(b) consumed a single beer during the party. Other people drank bottled beer, however, no one was intoxicated or belligerent. At approximately 12:15 a.m. on July 5, 2013, several uniformed police officers arrived in three to four marked vans and RMPs, and approached the driveway, and the DJ turned off the music. § 87(2)(b) stood at the top of the stairs. The officers approached the gate and asked § 87(2)(b) if they could enter the property. There were at least ten uniformed officers, including two with white shirts. § 87(2)(b) asked the officers if they had a warrant and the officers repeated that they wanted to enter. § 87(2)(b) locked the gate and told the officers they could not enter until they explained why they wished to do so.

§ 87(2)(b) said that multiple officers poked their nightsticks through the gate, however, he did not say whether they made contact with § 87(2)(b). A few seconds later, two officers pepper sprayed § 87(2)(b) through the fence. The officers, identified via the investigation as Lt. Steven Weiss and PO Richard Velez from the 71st Precinct, had not issued any additional commands before doing so. § 87(2)(b) did not stick his hands through the fence or touch any of the officers. Some of the officers opened the gate, although § 87(2)(b) did not see how they did so. He initially said that three or four uniformed officers then stomped on § 87(2)(b) punched him, and hit him with nightsticks, however, § 87(2)(b) later said that he could not see what force the officers used because of the crowd. § 87(2)(b) denied that anyone attempted to pour beer on officers, throw any objects at them, push or strike the officers.

The officers pushed the crowd, told them to get out of the driveway, and issued many commands to leave. An unidentified officer, who § 87(2)(b) described as a male officer, twenty to thirty years old, tall, with a chubby build and black hair, said, “Everybody go home. Move. Get the fuck out of here. Get your asses out of here. Get these niggers out of here. Get these monkeys out of here.” The officers, who § 87(2)(b) did not describe, said, “Get inside the fucking house,” pushed people into the house and then dragged some of them out of the house. Some civilians used profanity toward the officer, however, the majority of the crowd dispersed from the driveway without incident. A woman, identified by § 87(2)(b) as § 87(2)(b) screamed that what the officers were doing was not right and filmed them with her cell phone. An officer, who § 87(2)(b) could not describe, grabbed her wrist and banged it against the wall. Another officer, who he could not describe, dragged § 87(2)(b) down the stairs. She fell, but stood up immediately and continued to record the incident. § 87(2)(b) remained at the top of the stairs.

§ 87(2)(b) opened the front door and an individual named § 87(2)(b) yelled at several officers to leave. The officers repeated commands for him to go inside the house, but § 87(2)(b) yelled that he was on his own property and did not have to go inside. Several officers, including an officer who § 87(2)(b) described as a white male officer, twenty to thirty years old, short, with blond hair and black eyes, and was § 87(2)(b)'s arresting officer, identified via the investigation as PO Charles Arnone from the 71st Precinct, pushed him towards the door of the house. § 87(2)(b) would not permit himself to be pushed and continued to argue with the officers. § 87(2)(b) raised his arms to shoulder level and gesticulated as he spoke with open palms. § 87(2)(b) stood next to § 87(2)(b) and put his hands in front of § 87(2)(b)'s body to prevent him from moving his hands further, and told him to calm down. Within a minute after § 87(2)(b) arrived to intercede, an officer, whom § 87(2)(b) could not describe, stood on the steps and ordered § 87(2)(b) to go inside the house. Another officer, who § 87(2)(b) described

as an unidentified, white male officer, over 6'0" tall, heavyset built, with black hair, discharged pepper spray towards § 87(2)(b) hitting § 87(2)(b) in the process. § 87(2)(b) believed that it was possible that he was hit by the pepper spray inadvertently, as the officers were attempting to pepper spray § 87(2)(b) went upstairs to rinse out his eyes, and by the time he arrived back downstairs the area was cleared. He was told that § 87(2)(b) and an individual named § 87(2)(b) had been arrested. He was told that § 87(2)(b) was also pepper sprayed. § 87(2)(b) decided to go to the 71st Precinct stationhouse to file a complaint against the officers.

A few hours after the incident § 87(2)(b) and § 87(2)(b) went to the 71st Precinct stationhouse. They were accompanied by individuals known only to him as § 87(2)(b) an unidentified female friend of § 87(2)(b) and § 87(2)(b). They spoke with the desk officer, whom § 87(2)(b) could not describe, and stated they wanted to file a complaint about the incident. He replied, "For what? That's what you guys get," and instructed them to leave. § 87(2)(b) said that they were trying to file a complaint, and § 87(2)(b) became upset, pushed the door of the stationhouse and exited. § 87(2)(b) heard a loud noise, which he believed was a punching sound or slam, but he did not see whether or not § 87(2)(b) punched the door. PO Arnone, PO "Ramos", whose name § 87(2)(b) obtained from his nameplate and identified via the investigation as PO Leonel Ramos from the 71th Precinct, and an additional officer whom he could not describe, ran behind § 87(2)(b) and confronted him at the steps of the stationhouse.

§ 87(2)(b) followed the officers and observed them push § 87(2)(b) against a wall. § 87(2)(b) told the officers to leave § 87(2)(b) alone. PO Ramos asked § 87(2)(b) "Who's that?" § 87(2)(b) replied, "That's § 87(2)(b)". PO Ramos said, § 87(2)(b) if you don't want no fucking problems, get the fuck out of here." § 87(2)(b) reached into his pocket and removed his PBA card from his wallet, and displayed it to the officers. He explained that § 87(2)(b) was a police officer and asked the officers to call him. PO Ramos walked over to § 87(2)(b) grabbed the card, said, "I don't give a shit about this," broke it and threw it onto the ground.

PO Ramos grabbed § 87(2)(b)'s arms, pulled them behind his back, and pushed § 87(2)(b) to the ground face first. § 87(2)(b) initially said that he did not make any movements before he was taken to the ground, but later said that he freed his left arm to break his fall. His head struck the ground and he sustained a cut on his left shoulder. An unknown number of officers that § 87(2)(b) could not describe proceeded to punch him on his back and arms, however, he was unable to estimate the amount of times he was punched, or the amount of time the officers did so. One of the officers told § 87(2)(b) to stop resisting, and he screamed that he was not resisting and that he was already on the ground. He was rearcuffed, and he and § 87(2)(b) were inside.

§ 87(2)(b) asked why the officers hit him and shouted that he did not do anything. PO Ramos screamed back, "Shut the hell up. If you want more problems, just keep talking shit all you want." § 87(2)(b) was placed in a holding cell with § 87(2)(b) who had sustained a laceration to his right eyebrow. Upon his release from Central Booking, § 87(2)(b) was treated for wrist pain and vision problems for his left eye.

Victim: § 87(2)(b)

- On the date of the incident, § 87(2)(b) was § 87(2)(b). He is a black male, stands 5'11" tall, weighs 150 pounds, and has brown hair and brown eyes.

Arrest Photograph (encl. 16D)

§ 87(2)(b) arrest photograph shows a bandage on the left side of his forehead, however, it is unclear from the photograph what is beneath the bandage. There are no other visible injuries.

Statement to Medical Personnel:

“§ 87(2)(a) _____”

CCRB Statement:

On September 26, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 16A – B). He had a prepared statement that he read into the record, which is summarized below.

§ 87(2)(b) had consumed three beers but was not intoxicated. He had a discussion with Lt. Weiss at the gate about whether he should let them onto his property. Lt. Weiss stated that if § 87(2)(b) did not move away from the gate he would be pepper sprayed. § 87(2)(b) told Lt. Weiss to pepper spray him because he was not moving from the gate. The officers repeatedly told § 87(2)(b) to open the gate for about a minute. § 87(2)(b) refused, and Lt. Weiss and another officer, identified via the investigation as PO Richard Velez, pepper sprayed him and forced the gate open. § 87(2)(b) put his hands on his face and an officer who he could not describe, identified via the investigation as PO Paul Mallilo, punched him in the right side of his jaw one time. § 87(2)(b) was knocked down and crouched down to protect himself. He was punched, kicked and stomped on all over his body for two to three minutes, although he did not know how many times he was hit, or which officer did so. § 87(2)(b) denied fighting. He sustained a cut over his left eye and bruises on his back.

One of the officers told § 87(2)(b) to put his hands behind his back, and he complied and was rearcuffed. He was hit continuously after he was handcuffed by unknown officers who picked him up and walked him to an RMP. The officers placed him in the back of the RMP and he was taken back to the stationhouse. Some of the officers, who § 87(2)(b) could not describe, said, “Let’s get these monkeys, let’s punch these monkeys.” § 87(2)(b) refused medical treatment at the stationhouse. § 87(2)(b) went to § 87(2)(b) upon his release, where doctors conducted x-rays on his chest and back, which were negative. He was treated for the laceration above his left eye, and was prescribed painkillers and released.

Victim: § 87(2)(b)

- *On the date of the incident, § 87(2)(b) was § 87(2)(b). He is a black male, stands 5’10” tall, weighs 135 pounds, and has brown hair and brown eyes, and wears glasses.*

CCRB Statement:

On December 13, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 17A – C). § 87(2)(g)

§ 87(2)(b) corroborated that multiple uniformed officers attempted to gain entry into the driveway, but said that they were unable to do so because it was so crowded. There were people standing with their backs to the gate that did not see the officers arrive. The officers removed their nightsticks and poked them through the gate in order to get them to move. Some of the people standing near the gate asked the officers why they were trying to get in, but they did not respond.

The officers forced the gate open and a number of people ran out of the driveway as the officers went in. § 87(2)(b) saw people get hit with nightsticks on their legs and on their backs, however, he was unable to describe any of these people. Some of the officers went to the side of the fence by the abandoned house and sprayed pepper spray over the fence. Other officers discharged pepper spray throughout the incident. § 87(2)(b) was indirectly sprayed, as was § 87(2)(b) and § 87(2)(b)'s cousin, § 87(2)(b). An officer, who § 87(2)(b) could not describe, yelled, "Get these fucking monkeys."

Four or five uniformed officers grabbed § 87(2)(b) who was closest to the gate when the officers entered, and two of them hit him with nightsticks, although § 87(2)(b) did not see where the strikes landed. § 87(2)(b) covered his head with his arms and was kneeling on the ground. The officers continued to hit him and he moved down toward the ground and lay on his side. Two officers handcuffed him and picked him up from the ground, and § 87(2)(b) saw blood on his face. The officers brought § 87(2)(b) to an RMP and left the scene.

§ 87(2)(b) saw four or five uniformed officers, who he could not describe, including a white shirt officer, identified via the investigation as Lt. Weiss, grab § 87(2)(b) push him against a parked vehicle and handcuff him. One of the officers threw a punch at § 87(2)(b) and he moved out of the way. The officers then threw § 87(2)(b) to the ground and Lt. Weiss reared up and kicked at § 87(2)(b) at least six times, however, § 87(2)(b) did not see if any of the kicks struck § 87(2)(b).

Two officers came up the stairs toward § 87(2)(b) who was standing next to § 87(2)(b). § 87(2)(b) asked the officers the reason they were there, and a white male officer, who § 87(2)(b) could not describe further, hit him in the legs with a nightstick at least six times. § 87(2)(b) was later arrested. A second unidentified officer, who § 87(2)(b) described as a white male, approximately 5'10" to 5'11" tall with a stocky build, black buzz cut hair and a slim face, yelled "Get in the fucking house," four or five times to the people on the stairs. He stepped in front of § 87(2)(b) and repeated the directive to get in the house. § 87(2)(b) asked him what was going on, the officer grabbed § 87(2)(b) by the throat with his right hand, closed his palm around his throat and squeezed for five to ten seconds. § 87(2)(b) grabbed the officer's arm and asked why he was grabbing him. The unidentified officer raised his nightstick, and § 87(2)(b) stepped back into the house and the officer closed the front door.

Immediately after § 87(2)(b) was choked, § 87(2)(b) stood behind § 87(2)(b) and recorded on her phone. An officer, who § 87(2)(b) could not describe, approached § 87(2)(b) grabbed her wrist and slammed it against the railing at least three times. He heard her yelling that the officer was trying to break her phone and saw her fall down the stairs. § 87(2)(b) initially said that the officer pulled her down the stairs, but later amended his statement and said she tripped. § 87(2)(b) washed the pepper spray out of his eyes and went back outside as the last officers were leaving the scene. He spoke to § 87(2)(b) who told him that an officer had tried to grab her and that her shirt was ripped as a result, and that she was pepper sprayed. § 87(2)(b) did not recall whether any civilian attempted to fight the officers, and did not see anyone throw anything at the officers. He did not hear any of the officers use offensive language. The incident lasted twenty-five to thirty minutes.

At approximately 1:00 a.m. § 87(2)(b) and § 87(2)(b) went to the 71st Precinct stationhouse to file a complaint. § 87(2)(b) went inside the stationhouse and waited at the desk for approximately ten minutes before the desk officer addressed him. § 87(2)(b)

§ 87(2)(b) asked to file a complaint, but the desk officer, identified via the investigation as Sgt. Gesner Charles from the 71st Precinct, ignored him. § 87(2)(b) insisted that he wanted to file a complaint. There was also a female officer and a sergeant in the vicinity of the desk. § 87(2)(b) was in the stationhouse for twenty to twenty-five minutes before he became frustrated and exited the building. He did not punch the door, but was unsure if it made a loud noise upon his exit.

§ 87(2)(b) turned around because he heard people running and saw five or six uniformed officers run out behind him. They grabbed him and pushed him up against the wall. An unknown officer handcuffed § 87(2)(b) and § 87(2)(b) came over, removed a PBA card and told the officer to call § 87(2)(b) who is a police officer. Another officer, who § 87(2)(b) described as a Hispanic male, approximately 5'10" to 5'11" tall with a chubby build, whose nameplate said "Ramos," identified via the investigation as PO Leonel Ramos from the 71th Precinct, took § 87(2)(b)'s PBA card and broke it, and four officers grabbed him. § 87(2)(b) was brought inside and did not see the rest of the interaction with § 87(2)(b). § 87(2)(b) was brought inside after § 87(2)(b) and his left eyebrow was bleeding. § 87(2)(b) told him that the officers threw him on the ground, but did not provide any further details. § 87(2)(b) was released with a desk appearance ticket.

Victim: § 87(2)(b)

- *On the date of the incident, § 87(2)(b) was § 87(2)(b) old. She is a white female, stands 5'3" tall, weighs 125 pounds and has brown hair and blue eyes.*

CCRB Statement:

On December 3, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 18A – C). Her statement is summarized below.

At approximately 12:15 a.m., § 87(2)(b) was in her room on the § 87(2)(b) floor of § 87(2)(b). § 87(2)(b) did not consume any alcohol. She was with her roommates, § 87(2)(b) and his girlfriend § 87(2)(b) sitting on the couch facing away from the windows. § 87(2)(b) screamed and asked why there were so many police officers outside. § 87(2)(b) ran to the window and saw approximately fifteen to twenty uniformed police officers surrounding the gate.

Some of the officers pepper sprayed the crowd through the gate and then pushed through the gates. § 87(2)(b) did not recall whether anyone pushed back against the gates to prevent the officers from entering. As the gate opened, an unknown number of party-goers exited the driveway en-masse and the officers entered the driveway. An officer, identified as PO Mallilo, punched a black male, identified as § 87(2)(b) in the head repeatedly for the duration of the incident, which lasted approximately fifteen minutes. § 87(2)(b) put his arms up to protect his head, and went from standing to kneeling over the course of the beating. § 87(2)(b) did not recall whether the officer stomped on § 87(2)(b) and was unsure whether the officer used his nightstick against him.

§ 87(2)(b) ran downstairs and exited the front door of the house. She stood at the top of the stairs, started recording on her cell phone, and yelled for other people to record the incident. She did not hear any officer issue commands, curse at anyone or say anything racially motivated. No civilians fought with any officers, and § 87(2)(b) did not recall any other officers using force against any of the civilians. She did not witness anyone throw anything at the officers.

An unidentified white male officer, approximately 5'7" to 5'8" tall, with a chubby build and red or blond hair, walked up the stairs and grabbed § 87(2)(b)'s wrist of the hand that was holding her phone. He hit her wrist against the gate approximately five times before he released it. She was still recording, did not drop the phone, and did not sustain any injuries. At about the same time, two additional, uniformed officers, one in a blue uniform and one in a white shirt, walked up the stairs and approached § 87(2)(b). § 87(2)(b) could not describe the blue shirt officer in further detail. The white shirt officer was identified via the investigation as Lt. Steven Weiss from the 71st Precinct. The officer in the blue uniform grabbed § 87(2)(b) by the collar and § 87(2)(b) screamed and grabbed the officer's arm. One of the officers told § 87(2)(b) to go inside, and she said that she did not have to because it was her house. Lt. Weiss instructed an officer to remove § 87(2)(b) from the area, and he escorted her down the stairs. She walked to the median of the street and started recording again.

§ 87(2)(b) and § 87(2)(b) were all arrested. The officers left the scene and § 87(2)(b) went back into the house and helped § 87(2)(b) wash the pepper spray out of his eyes. § 87(2)(b) and a group of people later went to the 71st Precinct stationhouse to file a complaint. She said that some people were pissed off, but was unable to specify who. When § 87(2)(b) arrived, § 87(2)(b) was face down on the ground in handcuffs, however, she did not witness the arrest take place. § 87(2)(b) provided video #1 to the investigation (see pg. 26).

Victim: § 87(2)(b)

CCRB Telephone Statement:

On September 4, 2013, § 87(2)(b) provided the following, unverified, telephone statement, which is summarized below (encl. 19A – B).

§ 87(2)(b) was pregnant at the time of the incident, and did not consume any alcohol. Officers came to the house at approximately 9:00 p.m. and told the DJ to lower the music, which he did. At approximately 12:15 p.m., multiple uniformed police officers arrived at the location and tried to gain entry into the driveway through the gate, which was closed. § 87(2)(b) and a number of other people were standing by the gate. § 87(2)(b) was standing on the stairs of the house approximately twenty-five feet away, and was unable to hear any conversation at the gate. She did not see any physical altercation between the officers and the civilians, including § 87(2)(b) and did not see him holding the gate or preventing the officers from entering.

After a few minutes multiple officers pepper sprayed the crowd in an attempt to get into the driveway. § 87(2)(b) did not hear any commands issued before the officers did so. The officers pushed the gate open and an unknown number of uniformed officers grabbed § 87(2)(b). The officers beat him for five to ten minutes before handcuffing him, however, § 87(2)(b) did not recall exactly what force the officers used toward him. § 87(2)(b) was not resisting in any way during the physical altercation. He sustained a cut over one of his eyes.

Approximately six uniformed officers, including a white shirt officer, identified via the investigation as Lt. Steven Weiss from the 71st Precinct, grabbed § 87(2)(b) and brought him to the ground. They hit him with nightsticks for five to ten minutes before he was handcuffed and removed from the scene. § 87(2)(b) did not see what preceded the physical altercation, and did not see § 87(2)(b) punch any officer. § 87(2)(b) also saw § 87(2)(b) being placed in an RMP to be removed from the scene, however, she did not see his arrest take place.

Multiple police officers continued to pepper spray individuals in the crowd, and some of the officers approached the steps where § 87(2)(b) was standing. § 87(2)(b) mother, § 87(2)(b) was also standing on the steps with § 87(2)(b). A few officers pepper sprayed up the steps, and § 87(2)(b) and § 87(2)(b) were both unintentionally pepper sprayed, however, § 87(2)(b) was unable to describe any of them. Most of the people still in the area started to leave at this time. § 87(2)(b) did not see § 87(2)(b) or § 87(2)(b) involved in a physical altercation with any officers. § 87(2)(b) did not recall whether any officer used profanity or derogatory language during the incident. No one threw anything during the incident, including chairs or bottles. The entire incident lasted approximately twenty minutes.

At approximately 1:00 a.m. § 87(2)(b) went to the 71st Precinct stationhouse with § 87(2)(b) and § 87(2)(b) and § 87(2)(b) and § 87(2)(b) asked Sgt. Gesner Charles to file a complaint about the incident, however, § 87(2)(b) did not recall whether he responded. § 87(2)(b) and § 87(2)(b) exited the stationhouse and § 87(2)(b) was subsequently arrested. § 87(2)(b) did not see the arrest take place, however, § 87(2)(b) had a cut over his eye when he was brought back into the stationhouse. § 87(2)(b) did not recall whether § 87(2)(b) was arrested. She was in the stationhouse for approximately ten minutes before she went outside. § 87(2)(b) went to § 87(2)(b) to make sure everything was alright with her baby. The hospital performed a sonogram, and § 87(2)(b) was discharged when everything came back normal.

Witness: § 87(2)(b)

- *On the date of the incident, § 87(2)(b) was § 87(2)(b). He is a white male, stands 5'8" tall, weighs 185 pounds and has blonde hair and brown eyes.*

CCRB Statement:

On December 11, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 20A – B). § 87(2)(b)
(g)

§ 87(2)(b) and his girlfriend, § 87(2)(b) arrived at § 87(2)(b) just before midnight on July 4, 2014, and to their apartment on the § 87(2)(b) floor. At approximately 12:15 a.m. on July 5, 2014, § 87(2)(b) heard one of his roommates scream that the police were there. He looked out of the living room window and saw fifty to seventy uniformed police officers surrounding the driveway outside the fence. At least ten officers indiscriminately discharged pepper spray into the crowd. People screamed, panicked and ran out of the gates as the police forced their way inside the driveway. Five or six uniformed officers grabbed § 87(2)(b) from behind, pulled his arms behind his back and pushed him face first onto a nearby table. Some of the officers punched § 87(2)(b) in the back of the head, however, § 87(2)(b) did not know if § 87(2)(b) was handcuffed at the time. He did not see any officer strike § 87(2)(b) with an asp or stomp on him, and did not see § 87(2)(b) resist in any way.

§ 87(2)(b) went downstairs to film the incident, and § 87(2)(b) moved to one of the open windows in the living room. He heard § 87(2)(b) screaming at the officers. He saw one or more officer grab § 87(2)(b) and attempt to remove her from the property. He did not see any officer slam her arm against the fence or use any physical force against her. § 87(2)(b) also saw § 87(2)(b) a resident of the apartment, get pepper sprayed. § 87(2)(b) did not hear any of the officers issue any commands during the incident, or use any profanity or racial slurs. He did not see § 87(2)(b) or § 87(2)(b) get arrested. § 87(2)(b) did not see any of the civilians throw anything at the police.

Witness: § 87(2)(b)

- *On the date of the incident § 87(2)(b) was § 87(2)(b). He is a white male, stands 6'0" tall, weighs 185 pounds and has brown hair and blue eyes*

CCRB Statement:

On December 16, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 21A – B). § 87(2)(g)

At approximately 12:15 a.m., § 87(2)(b) was in the living room of the § 87(2)(b). He had consumed approximately five drinks and was intoxicated. He opened the window and saw two officers exit a vehicle and walk towards the gate. The officers tried to open the gate and some of the people inside held the gate closed to prevent them from entering. Additional officers converged on the gate from both sides of the house. Multiple officers discharged pepper spray through the gate at the crowd and pushed it open.

Officers continued to spray as they came in and moved towards the house. The officers yelled at the crowd to get back in the house, but § 87(2)(b) did not hear any officers curse at anyone. Some of the officers walked to the side of the gate by the abandoned house next door and discharged pepper spray over the gate. § 87(2)(b) saw a black male, identified as § 87(2)(b) grabbed by an officer, who he could not describe. The officer put a hand on the back of § 87(2)(b) head and slammed it against the table. § 87(2)(b) hands were behind his back, however, § 87(2)(b) was unable to see whether he was handcuffed. § 87(2)(b) saw a group of officers running after an unidentified male, arrest him and place him in a police vehicle, however, he did not see if the officers used any force on the man. § 87(2)(b) did not see § 87(2)(b) interact with the police. § 87(2)(b) did not see any officer hit any civilian with a nightstick, or hear any officer using profanity or racial slurs.

Witness: § 87(2)(b)

- *On the date of the incident, § 87(2)(b) was § 87(2)(b). She is a black female.*

CCRB Telephone Statement:

On December 26, 2013, § 87(2)(b) provided the following unverified statement to the CCRB via telephone, which is summarized below (encl. 22A – B).

At the time of the incident, § 87(2)(b) was sitting on the front porch with her husband, § 87(2)(b). § 87(2)(b) noticed ten to twenty uniformed police officers approach the gate. The crowd started running and § 87(2)(b) realized that the officers were discharging pepper spray. § 87(2)(b) saw a group of officers hitting § 87(2)(b) with batons, kicking him and punching him before he was arrested. She was unable to describe the officers or the duration that § 87(2)(b) was beaten. She told § 87(2)(b) to go down and talk to the officers, but he was pepper sprayed by an unknown officer when he tried to do so. § 87(2)(b) and § 87(2)(b) retreated into the house.

Some of the officers stood over the fence near the house next door and discharged pepper spray at the crowd. Some officers sprayed pepper spray at the front steps and then walked up the steps. § 87(2)(b) was also pepper sprayed. § 87(2)(b) did not hear any of the officers issue any commands, or use profanity or any racial slurs. Her shirt was ripped during the incident but she did not recall how it happened. After the incident, § 87(2)(b) took § 87(2)(b) and § 87(2)(b) to the hospital.

Witness: § 87(2)(b)

- *On the date of the incident, § 87(2)(b) was § 87(2)(b). She is a white female.*

CCRB Telephone Statement:

On January 9, 2014, § 87(2)(b) provided the following, unverified telephone statement, which is summarized below (encl. 23A – B).

At the time of the incident, § 87(2)(b) was in the bathroom on the third floor. She did not consume any alcohol. § 87(2)(b) knocked on the door and asked to use the bathroom to wash pepper spray out of his eyes. § 87(2)(b) heard § 87(2)(b) roommates shouting that people were being pepper sprayed in the front driveway, and she went to the window. § 87(2)(b) saw at least four marked police vehicles and approximately thirty uniformed police officers. There was a fog of pepper spray hanging over the driveway. Five to eight uniformed officers surrounded a young black male, identified via the investigation as § 87(2)(b) and push him away from the house to the left side. The officers told him at least three times to stop resisting, however, § 87(2)(b) could not see whether he was resisting or what force the officers utilized to gain compliance. § 87(2)(b) did not recall any officer using profanity or racial slurs.

Attempts to Contact Civilians

The undersigned exhausted efforts to contact § 87(2)(b) and § 87(2)(b) over the course of the investigation, including numerous telephone calls, letters, emails and missed appointments. To date, they have all failed to contact the CCRB, and as a result, none of them were interviewed.

NYPD Statements:

Subject Officer: LT. STEVEN WEISS

- *On the date of the incident, Lt. Weiss was § 87(2)(b) old. He is a white male, stands 5'11" tall, weighs 172 pounds and has brown hair and brown eyes.*
- *Lt. Weiss was the Special Operations Lieutenant, worked from 4:00 p.m. on July 4, 2013, until 6:00 a.m. on July 5, 2013, was partnered with PO Anthony Ahwal and PO Charles Arnone, was dressed in uniform and was assigned to unmarked RMP § 87(2)(b).*

Memo Book (encl. 29A – D)

Lt. Weiss arrived on scene at 12:35 p.m. He called for additional units. When Lt. Weiss and other officers attempted to gain entry into the yard, the gate was pulled closed by a male, who was OC sprayed by Lt. Weiss to gain entry. The individual was arrested. While standing at location, a male approached Lt. Weiss and punched him in the face. He was arrested at the location and resisted arrest. At 1:00 a.m. EMS was at the 71st Precinct stationhouse for Lt. Weiss. At § 87(2)(b) he went to § 87(2)(b) (See enclosure for additional details).

AIDED and Line of Duty Injury Report (encl. 30A – G)

Lt. Weiss was injured during the incident and was removed to § 87(2)(b). He was diagnosed with swelling above his right eye and acute pain (See enclosures for additional details and narratives).

CCRB Statement:

On March 5, 2014, Lt. Weiss was interviewed at the CCRB (encl. 31A – D). His statement is summarized below.

At approximately 12:35 a.m., Lt. Weiss spoke with PO Lauren Mendizza, who explained that there was a large, disorderly party at § 87(2)(b). Lt. Weiss radioed the mobile response units to the scene, and additional units responded a few minutes later. Lt. Weiss advised the officers of the situation and explained that the goal was to lower the music to a reasonable volume, and to take any enforcement action necessary to get the party under control. An unidentified, black female approached Lt. Weiss and told him that her bag had been stolen at the party. She had left the party and tried to gain access, but was not allowed back in. She wanted the officers to help her find her bag. A report was filed for the woman's stolen purse. Lt. Weiss observed two or three unidentified individuals shooting a firework into the air, creating a public hazard due to the proximity of the trees and nearby vehicles. Lt. Weiss exited his vehicle and the individuals ran through the gate of § 87(2)(b).

Lt. Weiss and other officers, including Lt. Worobey and PO Mallilo, ran to the gate after the individuals. § 87(2)(b) tried to push the gate closed before the officers could enter the driveway. The officers pushed back on the gate, and they were at a standstill for approximately thirty seconds. Lt. Weiss ordered § 87(2)(b) multiple times to open the gate, and he refused to do so. § 87(2)(b) yelled for nearby partygoers to help him close the gate. Lt. Weiss grabbed § 87(2)(b) through the fence and tried to push him off the gate and open it simultaneously, but was unsuccessful. An officer poked § 87(2)(b) through the fence with a retractable asp in an attempt to try and get him off of the gate, however, Lt. Weiss did not recall where he poked § 87(2)(b). Lt. Weiss did not see § 87(2)(b) strike PO Mallilo.

In order to gain entry to the driveway, Lt. Weiss removed his pepper spray and sprayed § 87(2)(b) once for approximately one second. § 87(2)(b) let go of the fence and Lt. Weiss and the other officers were able to gain entry to the driveway. Lt. Weiss did not spray anyone else, and did not see any other officers discharge pepper spray at § 87(2)(b). At about the same time the officers entered the driveway, an unknown individual opened the gate to the driveway and the majority of the civilians left the driveway. There were approximately fifteen to twenty individuals left in the driveway. Once inside the driveway, officers discharged pepper spray against some individuals, however, Lt. Weiss did not recall which officers did so or who they targeted. He did not see any officer stand over the gate and spray the crowd.

§ 87(2)(b) was arrested, however, Lt. Weiss did not witness his arrest. He saw officers dealing with § 87(2)(b) with his peripheral vision, but could not describe the arrest and did not know which officers were involved, and did not see how § 87(2)(b) was removed from the scene. Lt. Weiss and the other officers that entered the driveway attempted to locate the individuals that had been shooting the fireworks. Some individuals threw objects at the officers including beer bottles, chicken bones, and a chair, which struck PO Richard Velez. Lt. Weiss observed several "pushing matches" between officers and civilians, but could not recall any specific interactions. Some officers approached the stairs during the interaction, however, Lt. Weiss did not see which officers did so.

Lt. Weiss spoke with § 87(2)(b) but did not recall if she said anything about officers using physical force against her, and did not see her prior to speaking with her. Lt. Weiss stood in the middle of the driveway directing people away from the party. An individual, identified by Lt. Weiss via his arrest photograph as § 87(2)(b) ran up to Lt. Weiss from the side and punched him in the face without provocation. Lt. Weiss grabbed him and pushed him against a nearby parked vehicle. He attempted to take § 87(2)(b) to the ground, but he resisted. Lt. Weiss put his left arm around § 87(2)(b)'s head and punched him in the face and head with his right hand two or three times.

§ 87(2)(b) continued to actively resist by flailing his arms and trying to escape. Other nearby officers grabbed § 87(2)(b) and assisted in apprehending him, however, Lt. Weiss did not see if any of them used force against § 87(2)(b). At a certain point § 87(2)(b) lowered his head and Lt. Weiss struck him in the face with his right knee. § 87(2)(b) fell backward onto the ground, and the other officers handcuffed him. Lt. Weiss did not recall which officer handcuffed § 87(2)(b) or who transported him to the RMP. § 87(2)(b) continued to resist after he was handcuffed and was jumping around and screaming. § 87(2)(b) smelled like alcohol, which combined with his behavior led Lt. Weiss to believe that § 87(2)(b) was intoxicated. Lt. Weiss did not recall whether he sustained any injuries and did not see him after he was arrested.

Lt. Weiss denied using profanity or racial slurs at any point during the incident, including the specific allegations, and did not hear any officers do so. He returned to the stationhouse at approximately 1:00 a.m. and went to § 87(2)(b) at approximately § 87(2)(b). He was given an icepack and Motrin for pain and swelling from the punch. Lt. Weiss did not witness the incident at the stationhouse. Lt. Weiss did not amend his testimony in any way after watching the video of § 87(2)(b)'s arrest (video 1). Lt. Weiss showed the undersigned a video of the events preceding § 87(2)(b)'s arrest (video 5), including Lt. Weiss getting punched in the face by § 87(2)(b) and his continued resistance after he was apprehended.

Subject Officer: PO RICHARD VELEZ

- *On the date of the incident, PO Velez was § 87(2)(b) old. He is a Hispanic male, stands 5'11" tall, weighs 200 pounds, and has black hair and brown eyes.*
- *PO Velez was assigned to footpost eleven, worked from 5:30 p.m. on July 4, 2013, until 2:00 a.m. on July 5, 2013, and was in uniform.*

Memo Book (encl. 32A – E)

PO Velez arrived at the incident location at 12:10 a.m. PO Velez and other officers approached a number of individuals that were shooting fireworks, who ran behind the gate and closed it to get away from the officers. Multiple individuals kicked at the officers and threw liquor and bottles at them. PO Velez used OC spray on the individuals who attempted to kick officers. Someone threw a chair at PO Arnone, and PO Velez blocked the chair from hitting him and was struck in the hand causing immediate pain. At § 87(2)(b), PO Velez was transported to § 87(2)(b). X-rays were conducted, but were negative, and he was issued a soft splint and returned to the 71st Precinct stationhouse at 4:30 a.m. (See enclosure for additional details).

Line of Duty Injury Report (encl. 33A – B)

PO Velez was injured during the incident and was removed to § 87(2)(b) where he was diagnosed with a contusion to his left hand. Sgt. Meyers gave witness testimony, and the narrative is summarized below (See enclosure for additional details and narrative).

CCRB Statement:

On May 28, 2014, PO Velez was interviewed at the CCRB (encl. 34A – C). § 87(2)(g)

PO Velez arrived at the incident location at approximately 12:10 a.m. Lt. Worobey arrived with the anti-crime unit a few minutes later. Lt. Worobey, PO Velez, and the other officers approached the gate intending to shut down the party and disperse the crowd, and to ascertain the identity of the individual that had taken the female's purse. PO Velez observed five male blacks who started lighting off fireworks in the middle of the service road, causing flares to fly towards the officers. Three of the males ran into § 87(2)(b) and the gate was closed behind

them. PO Velez, Lt. Weiss, Lt. Worobey, and at least four other officers approached the gate and were opposed by at least ten to fifteen civilians on the other side. The civilians threw liquor, chicken bones and bottles at the officers, and PO Velez had liquor thrown in his face. The civilians kicked and punched at the officers through the gate, however, PO Velez did not recall whether they struck any of the officers. The officers ordered the crowd to back away from the gate, but several people pushed the gate closed and refused to comply. The interaction at the gate lasted approximately two minutes before PO Velez removed his pepper spray and discharged it at the civilians that were holding the gate, however, he did not recall specifically how he did so. The spray had no effect and they continued to resist, preventing the officers from entering.

After three or four minutes the officers were able to gain entry into the driveway, however, PO Velez did not recall how. He entered the driveway and issued orders for the crowd to disperse from the area. Some individuals complied, however, a number of people remained behind and continued to throw objects and fight with the officers. PO Velez did not have any physical interaction with any civilian. He did not employ a chokehold against any civilian, did not employ pepper spray after he entered the driveway, and did not see any officer do so. He saw officers attempting to effect arrests on some civilians who were resisting, however, he did not see what preceded these encounters. Two civilians were arrested by unknown officers. They resisted, however, PO Velez did not recall whether the officers used physical force to effect these arrests.

PO Velez and PO Arnone stood at the bottom of the stairs of the house and a chair was thrown out of the second story window. PO Velez blocked the chair with his left arm to prevent it from hitting PO Arnone, causing immediate pain. PO Velez and PO Arnone retreated back to the street. PO Velez did not see PO Arnone on the steps, and he did not recall whether there were any other officers nearby at the time. He did not see § 87(2)(b)

PO Velez saw § 87(2)(b) approach Lt. Weiss and punch him in the face. PO Velez tried to grab § 87(2)(b) but was unable to do so because he was resisting and throwing punches at the officers. A number of officers grabbed § 87(2)(b) and took him to the ground in order to apprehend him. PO Velez did not recall whether any officers punched or kned § 87(2)(b). He was arrested, however, PO Velez did not see what happened to him after. PO Velez walked back to his post at 12:45 a.m. He did not recall using profanity or offensive language during the incident, including the specific allegations, or hearing any officer do so. At 1:30 a.m. PO Velez was checked by EMS at the 71st Precinct stationhouse, and was transported to § 87(2)(b). He sustained swelling on his wrist and was issued a soft splint. He did not witness the second incident at the stationhouse.

Subject Officer: PO PAUL MALLILO

- *On the date of the incident, PO Mallilo was § 87(2)(b) old. He is a white male, stands 5'10" tall, weighs 290 pounds and has black hair and blue eyes.*
- *PO Mallilo worked from 5:30 p.m. on July 4, 2013, until 8:00 a.m. on July 5, 2013, was partnered with PO Ryan Norwood, was assigned to Zone 3 Auto in marked RMP 3181, and was in uniform.*

Memo Book (encl. 35A – C)

At 12:30 a.m., PO Mallilo arrived at the incident location. § 87(2)(b) did prevent apprehension of suspect and acted violently towards uniformed officers by closing gates, yelling and swinging fists causing party goers to throw furniture and bottles at officers causing injuries and pain. Defendant flailed arms to prevent being handcuffed. § 87(2)(b) did also lead party goers to throw furniture and bottles. Defendant did strike Lt. Weiss in the face causing pain and

swelling. OC spray discharged and physical force used to apprehend defendants. At 12:45 a.m. the two defendants were arrested, and both refused medical attention.

Arrest Reports and Photographs (encl. 36A – J)

§ 87(2)(b) was charged with § 87(2)(b)

PO Mallilo noted that he used physical force (restrain/control/remove) on the arrest report, and that § 87(2)(b) was injured, but that he refused medical attention. § 87(2)(b) arrest photograph shows a large bandage over his left eye, however, no injury is visible (See enclosure for narrative).

§ 87(2)(b) was charged with § 87(2)(b)

PO Mallilo noted that physical force was used to arrest § 87(2)(b) (restrain/control/remove), but his physical condition was listed as apparently normal, and his arrest photograph does not reveal any injuries (See enclosure for narrative).

CCRB Statement:

On February 25, 2014, PO Mallilo was interviewed at the CCRB (encl. 37A – D). His statement is summarized below.

At approximately 12:30 a.m., PO Mallilo and PO Norwood observed a male shooting fireworks at vehicles on Eastern Parkway. PO Mallilo parked the vehicle one house east of the location. PO Mallilo exited the vehicle intending to detain the male shooting the fireworks. As he approached the gate, § 87(2)(b) closed the gate on PO Mallilo, preventing him from pursuing the male. PO Mallilo explained that he was pursuing the male and asked that he open the gate. § 87(2)(b) continued to push the gate closed and yelled obscenities at PO Mallilo. Other civilians at the party became rowdy, cursed and threw bottles at the officers. An unknown officer was struck with a bottle. PO Mallilo tried to push the gate open and § 87(2)(b) continued to prevent him from entering. § 87(2)(b) then “slipped,” and struck PO Mallilo in the face with a closed fist.

After § 87(2)(b) struck PO Mallilo, officers behind PO Mallilo, identified via the investigation as Lt. Weiss and PO Velez, discharged pepper spray at § 87(2)(b) and both § 87(2)(b) and PO Mallilo were pepper sprayed. At this point, PO Mallilo was able to push the gate open. When he entered the driveway, some of the people from the party threw chairs and couches from the driveway, the windows, and second floor of the house. PO Mallilo attempted to grab § 87(2)(b) wrist in order to arrest him, and § 87(2)(b) pulled his arms away, flailed and swung his arms, and refused to be handcuffed. PO Mallilo was winded from being pepper sprayed, and he removed his nightstick with his right hand. He told § 87(2)(b) to stop resisting and place his hands behind his back, which he refused. PO Mallilo struck § 87(2)(b) in the left bicep once in order to gain compliance, however, § 87(2)(b) continued to resist. PO Mallilo grabbed him and the two fell to the ground.

§ 87(2)(b) fell on his back and PO Mallilo fell on top of him. § 87(2)(b) swung his arms and refused to place them behind his back, at which point PO Mallilo struck him twice more with his nightstick in the same spot. § 87(2)(b) continued to resist, at which point PO Mallilo switched his nightstick to his left hand and punched § 87(2)(b) in the face twice with his right hand. PO Mallilo was then able to roll § 87(2)(b) onto his stomach and handcuff him. Additional officers assisted PO Mallilo by grabbing § 87(2)(b) arms, however, he did not recall which officers. PO Mallilo did not see any of these officers strike § 87(2)(b) PO

Mallilo picked § 87(2)(b) up from the ground and escorted § 87(2)(b) to his RMP. § 87(2)(b) screamed on the way to the RMP, but did not resist after he was handcuffed, and he was placed in the RMP without incident. § 87(2)(b) had a cut over his left eye as a result of the physical interaction, which PO Mallilo observed on the way to the RMP. § 87(2)(b) commented that his eye was bleeding, but did not complain of any additional injuries. PO Mallilo did not strike § 87(2)(b) after he was handcuffed and did not see any officer strike § 87(2)(b) after he was handcuffed.

PO Mallilo returned to § 87(2)(b) and saw § 87(2)(b) punch Lt. Weiss in the face. Lt. Weiss then punched § 87(2)(b) in the face a couple of times and kned him in the midsection, although PO Mallilo could not recall how many times he did so. Lt. Weiss and several other officers took § 87(2)(b) to the ground and placed him in handcuffs. PO Mallilo did not recall how many officers assisted Lt. Weiss, who they were, or how they took him to the ground, but PO Mallilo was not directly involved in § 87(2)(b)'s apprehension. An unknown officer escorted § 87(2)(b) to PO Mallilo's RMP for transport.

PO Mallilo did not use any profanity or derogatory language during the incident, including the specific allegations, and did not hear any officer do so. He did not climb the steps of the house and did not see any officer do so, and did not see any white female, § 87(2)(b). PO Mallilo did not recall whether any officer discharged pepper spray after they entered the driveway. He did not recall any other physical interactions with civilians at scene. PO Mallilo and PO Norwood transported § 87(2)(b) and § 87(2)(b) to the 71st Precinct stationhouse. PO Mallilo did not observe any injuries on § 87(2)(b) and he did not complain of any injuries. § 87(2)(b) had his eyes flushed and was given a Band-Aid for the laceration above his eye. § 87(2)(b) and § 87(2)(b) refused medical treatment. PO Mallilo did not recall whether § 87(2)(b) or § 87(2)(b) were intoxicated. PO Mallilo did not witness the second incident.

Subject Officer: SGT. GESNER CHARLES

- *On the date of the incident, Sgt. Charles was § 87(2)(b) old. He is a black male, stands 5'9" tall, weighs 200 pounds, and is bald with brown eyes.*
- *Sgt. Charles was the Desk Officer, worked from 2:50 p.m. until 11:47 p.m., and was in uniform. He was not required to keep a memo book.*

CCRB Statement:

On September 10, 2014, Sgt. Charles was interviewed at the CCRB (encl. 38A – B). His statement is summarized below.

At approximately 1:00 a.m., a group of approximately fifteen to twenty individuals that Sgt. Charles described as angry and discourteous came into the stationhouse. They were yelling and cursing, and an individual, who Sgt. Charles did not recall, approached the desk and asked to file a complaint. Sgt. Charles did not recognize § 87(2)(b) or § 87(2)(b) from their photographs. Sgt. Charles pointed to the telephone number on the wall for the CCRB, and the individual took a picture with his cell phone. Sgt. Charles also provided a hard copy of a CCRB complaint form and told the individual that he could fill it out at the stationhouse or file it from home, however, the individual left the form at the desk. The group left the stationhouse after twenty-five to thirty minutes. At no point did Sgt. Charles tell the individual to leave the stationhouse, and he did not recall whether there was an argument with the individual, or any discussion of whether the NYPD or CCRB would cover up the complaint. Sgt. Charles did not recall any physical altercation outside of the stationhouse.

Subject Officer: PO LEONEL RAMOS

- *On the date of the incident, PO Ramos was § 87(2)(b) old. He is a Hispanic male, stands 5'8" tall, weighs 190 pounds, and has black hair and brown eyes.*
- *PO Ramos was assigned to Fireworks Auto/Mobile Response, worked from 5:30 p.m. until 6:05 a.m. on July 5, 2013, was assigned to marked van, and was in uniform.*

Memo Book (encl. 39A – C)

At 1:00 a.m., a male was stopped at § 87(2)(b). At 1:15 a.m. there was one under by PO Arnone (See enclosure for additional details).

CCRB Statement:

On May 1, 2014, PO Ramos was interviewed at the CCRB (encl. 40A – C). His statement is summarized below.

PO Ramos did not take any enforcement action at § 87(2)(b). At approximately 1:00 a.m., § 87(2)(b) and § 87(2)(b) entered the 71st Precinct stationhouse. § 87(2)(b) approached PO Ramos, who was standing in front of the desk, said that he had been pepper sprayed, and told PO Ramos that he wanted to file a complaint. § 87(2)(b) yelled, screamed, and waved one arm around while wiping his face with his shirt with the other hand. His eyes were red and puffy, and he had mucus on his face. PO Ramos asked § 87(2)(b) if he wanted to see EMS. § 87(2)(b) refused, cursed at PO Ramos and repeated that he wanted to file a complaint. PO Ramos offered to give him a CCRB complaint form, and pointed to a sign with the number for the CCRB. § 87(2)(b) refused again and said that PO Ramos was going to “cover it up.” PO Ramos asked § 87(2)(b) if he wanted medical attention three or four times, and asked if he wanted to file a CCRB complaint four or five times, which he refused each time. After the second or third time, § 87(2)(b) made similar statements and yelled at PO Ramos.

PO Ramos told the individuals that if there was nothing he could do for them that they should leave the stationhouse. After five or six minutes they left the stationhouse. § 87(2)(b) punched the glass portion of the stationhouse door on the way out, and § 87(2)(b) slammed the door behind him. PO Ramos and PO Arnone followed them out of the stationhouse to make sure that they left the area. There were no other officers outside with PO Ramos and PO Arnone. There was a crowd of ten to twelve people standing outside of the stationhouse. PO Ramos and PO Arnone proceeded around the corner of the stationhouse and observed § 87(2)(b) punch a parked RMP. PO Arnone approached § 87(2)(b) and told him to leave the area. § 87(2)(b) stood face to face with PO Arnone and squared up to him. PO Arnone turned § 87(2)(b) around and pulled one of his arms behind his back to place him under arrest.

§ 87(2)(b) came up behind PO Arnone and put his hands on his shoulders. PO Ramos pulled § 87(2)(b) off of PO Arnone and told him to leave the area. § 87(2)(b) turned around and shoved a PBA card a few inches from PO Ramos' face. PO Ramos pushed his hand away from his face, but did not remove the card from § 87(2)(b)'s hands. PO Ramos turned around to assist PO Arnone, at which point, § 87(2)(b) moved to grab PO Arnone again. PO Ramos grabbed § 87(2)(b) and forced him to the ground. He did not recall how he brought him to the ground. § 87(2)(b) resisted by pulling back against the takedown. § 87(2)(b) landed on the ground facedown, then pulled his arms underneath his body and refused to give them to PO Ramos. PO Ramos ordered § 87(2)(b) to stop resisting and give him his hands, however, § 87(2)(b) continued to resist for about one minute. PO Ramos pulled § 87(2)(b)'s left arm behind

his back and handcuff it, and then his right. He denied punching § 87(2)(b) or using any additional force to place him in handcuffs. The crowd of people stood six to eight feet away, and continued to scream and yell at the officers while PO Ramos was effecting the arrest.

PO Ramos picked § 87(2)(b) up from the ground and escorted him into the stationhouse. He did not observe any injuries on § 87(2)(b)'s person. § 87(2)(b) was compliant after he was handcuffed. PO Ramos did not recall whether § 87(2)(b) requested medical attention. He denied using any profanity when apprehending § 87(2)(b) including the specific allegations of discourtesy made by § 87(2)(b). PO Ramos did not witness § 87(2)(b)'s arrest after he pulled § 87(2)(b) off of PO Arnone, but he did not see PO Arnone use any force against § 87(2)(b). PO Arnone brought § 87(2)(b) into the stationhouse behind PO Ramos and § 87(2)(b).

Witness Officer: LT. ERIK WOROBEBY

- *Lt. Worobey was the Impact Supervisor, worked from 5:20 p.m. until 5:05 a.m. on July 5, 2013, was assigned to marked van 8870, and was in uniform.*
- *See statement for pedigree information.*

Memo Book (encl. 41A – C)

At 12:15 a.m., Lt. Worobey responded to § 87(2)(b) where units requested further. At 12:45 a.m. PO Damico had an arrest. At 1:00 a.m. Lt. Worobey was out of service.

UF-61 for Petit Larceny (encl. 42A – B)

Lt. Worobey completed a UF-61 for a petit larceny at § 87(2)(b) for the stolen purse at 12:05 a.m. on July 5, 2013 (See enclosure for additional details).

CCRB Statement:

On May 1, 2014, Lt. Worobey was interviewed at the CCRB (encl. 43A – C). His statement is summarized below.

At approximately 12:15 a.m., Lt. Worobey arrived at the incident location and was introduced to the unidentified female whose purse had been stolen inside § 87(2)(b). Lt. Worobey spoke to the female for approximately five minutes, and started preparing a UF-61, at which point he observed an unidentified male place a mortar firework in the service lane of Eastern Parkway. Lt. Worobey approached the individual with the intention of ascertaining his age, and speaking with the homeowners of § 87(2)(b) regarding the party. The individual saw Lt. Worobey and ran into the driveway of § 87(2)(b). Lt. Worobey and one or two unknown officers approached the gate of § 87(2)(b).

Lt. Worobey and the other officers attempted to enter the gate, however, four to five individuals, including § 87(2)(b) pushed back from the other side and prevented the officers from doing so. Lt. Worobey stuck his baton between the frame of the gate and the locking mechanism in order to prevent it from closing. One of the individuals grabbed the baton, and a tug-of-war ensued for approximately thirty seconds. Lt. Worobey and the other officers ordered the individuals to get back from the gate multiple times throughout the struggle. In addition to obstructing the officers in the course of their investigation, the individuals blocking the gate prevented the other individuals at the party from exiting, thereby creating an unsafe condition.

A second entrance to the gate opened and fifty to seventy-five people exited through the opening. Simultaneously, the resistance from the first gate ceased and the individual holding the baton let go of it. The officers entered the driveway, at which point several individuals began throwing

beer bottles and lawn furniture. PO Velez was hit by a lawn chair, and required medical attention. Lt. Worobey did not discharge pepper spray to enter the yard or once inside the yard, and did not see any officer do so. He saw some individuals at the scene in handcuffs, however, he was not involved in any of the arrests, and did not see any officers use force against civilians, including the specific allegations. He did not see any officers approach the steps of the house at any point. § 87(2)(b) was already in handcuffs when Lt. Worobey came over to assist PO Damico, and they escorted § 87(2)(b) to Lt. Worobey's van. Lt. Worobey denied using profanity or obscene language at any point, including the specific allegations made, and did not hear officers do so. Lt. Worobey did not witness the incident at the stationhouse.

Witness Officer: PO RYAN NORWOOD

- *PO Norwood had the same tour and assignment as PO Paul Mallilo.*
- *See statement for pedigree information.*

Memo Book (encl. 44A – C)

At 12:30 a.m., PO Norwood noted a large party at § 87(2)(b). At 12:45 a.m. PO Mallilo had two under arrest.

CCRB Statement:

On April 30, 2014, PO Norwood was interviewed at the CCRB (encl. 45A – C). § 87(2)(g)

PO Norwood corroborated that an unknown number of officers approached the gate at § 87(2)(b) and attempted to gain entry by pushing the gate inward. There were at least three individuals holding the gate shut, and the officers were initially unable to gain entry into the driveway. PO Norwood stood approximately fifteen feet back from the gate and observed the crowd. He did not see any officer deploy pepper spray or poke a nightstick through the gate. The officers gained entry into the driveway, however, PO Norwood did not know how they did so. As the officers entered the driveway the second gate of the driveway opened and many of the civilians exited the driveway. PO Norwood was one of the last officers to enter the driveway. He saw PO Mallilo and an unknown officer struggling with § 87(2)(b) on the ground. PO Mallilo yelled for the individual to give him his hands, and § 87(2)(b) resisted, although PO Norwood did not recall how. He did not see how § 87(2)(b) got to the ground, and did not recall whether PO Mallilo used any physical force against § 87(2)(b).

PO Norwood approached § 87(2)(b) and pulled his hands behind his back. § 87(2)(b) resisted by tightening his arms, and it took approximately one minute to handcuff him. PO Norwood did not use any additional force against § 87(2)(b) and he did not see PO Mallilo do so. PO Norwood picked § 87(2)(b) up, escorted him to his RMP, and placed him inside. § 87(2)(b) did not resist after he was handcuffed, and PO Norwood did not use any physical force against him after he was handcuffed, and did not see any officer do so. PO Norwood did not observe any additional interactions between officers and civilians. PO Norwood denied using profanity or offensive language, including the specific allegations, and did not hear any officer do so.

At approximately 12:45 a.m., PO Norwood and PO Mallilo transported § 87(2)(b) to the 71st Precinct stationhouse. § 87(2)(b) was bleeding from his forehead, however, he refused medical attention. PO Norwood observed a number of individuals at the stationhouse complaining loudly about the incident at § 87(2)(b). An unknown officer asked the individuals to leave the stationhouse, however, PO Norwood did not recall any additional details. The individuals left the stationhouse, but PO Norwood did not go outside.

Witness Officer: PO CHARLES ARNONE

- *PO Arnone worked the same tour and assignment as Lt. Steven Weiss.*
- *See statement for pedigree information.*

Memo Book (encl. 46A – C)

At 12:35 a.m. PO Arnone responded to a call for additional officers at § 87(2)(b). At 1:10 a.m. there was a disorderly group at the stationhouse acting violently, making threats, and failing to disperse after multiple warnings. At 1:15 a.m. there were two under arrest for § 87(2)(b). § 87(2)(b) was released with a DAT, and § 87(2)(b) refused medical attention (See enclosure for additional details).

§ 87(2)(b) Arrest Report and Criminal Court Complaint (encl. 47A – F)

§ 87(2)(b) was charged with § 87(2)(b). PO Arnone did not note any force used against § 87(2)(b) however, he is listed as being injured, but refused medical attention (See enclosures for narratives).

CCRB Statement:

On April 9, 2014, PO Arnone was interviewed at the CCRB (encl. 48A – C). His statement is summarized below.

PO Arnone, Lt. Weiss and PO Ahwal responded to the incident location at 12:35 a.m. After observing individuals shooting off fireworks, PO Arnone and Lt. Weiss approached the gate, and some of the individuals entered the driveway and closed the gate behind them. An individual threw liquor on PO Arnone through the gate. PO Arnone and the other unknown officers were able to gain entry to the driveway, however, he did not recall how they did so. PO Arnone did not see any officer discharge pepper spray.

Upon entering the driveway some of the civilians started throwing glass bottles, chairs and other furniture. PO Arnone was struck by a chair and a bottle. He saw an individual grab a bottle, removed his pepper spray, and discharged it at the individual. PO Arnone tried to grab a male individual who was throwing furniture, however, he fled and was not apprehended. PO Arnone did not recall whether he approached the stairs of the house, or whether officers interacting with any individuals on the stairs. He did not see § 87(2)(b). Multiple officers engaged in physical contact with civilians, however, PO Arnone did not recall the specific force used against them. He did not see any officer employ a chokehold on a civilian. He did not use any force against any civilians and was not involved in any arrests. PO Arnone denied using profanity or derogatory language during the incident, including the specific allegations, and did not hear any officer do so. PO Arnone went back to the 71st Precinct stationhouse at 12:55 a.m.

At approximately 1:10 a.m. a group of approximately twelve individuals entered the stationhouse and became loud and boisterous, cursing, threatening, slamming the gate, and antagonizing the officers. PO Arnone described the group as agitated and hostile. The officers issued multiple warnings to the group to leave the stationhouse. This went on for five to ten minutes before the officers entered the waiting area with the intent of arresting the individuals that were present, at which point they left. PO Arnone did not recall whether any individual asked to file a complaint. § 87(2)(b) slammed the stationhouse door on the way out, and PO Arnone and a few other, unidentified officers followed the individuals outside. Two or three officers approached § 87(2)(b).

§ 87(2)(b) and arrested him for disorderly conduct. § 87(2)(b) was told to place his hands behind his back and that he complied, at which point he was handcuffed. PO Arnone did not recall whether § 87(2)(b) resisted physically, however, he said that no physical force was used against § 87(2)(b). He pointed out that § 87(2)(b) was only given a desk appearance ticket, and that he would have been arrested and processed if any force had been used against him, and the fact that he refused medical attention.

§ 87(2)(b) was also arrested for § 87(2)(b). He was face down on the ground when he was handcuffed, however, PO Arnone did not recall how he got to the ground or which officers he interacted with. PO Arnone did not recall whether § 87(2)(b) resisted, however, PO Arnone believed he was doing so based on the amount of time that it took to handcuff him. PO Arnone did not recall whether he or any officer punched § 87(2)(b) while he was on the ground, or whether § 87(2)(b)'s face made contact with the ground. PO Arnone picked § 87(2)(b) up from the ground and escorted him into the stationhouse. § 87(2)(b) had a small laceration over his left eyebrow, however, PO Arnone did not know how he sustained it. § 87(2)(b) did not have any additional injuries and refused medical attention. PO Arnone did not hear PO Ramos use profanity toward § 87(2)(b).

Witness Officer: PO STEPHEN DAMICO

- *He was assigned to vehicle post 39 at the corner of Franklin Avenue and Union Street, worked from 4:00 p.m. on July 4, 2013, until 5:40 a.m. on July 5, 2013, was assigned to marked van 8821, and was in uniform.*
- *See statement for pedigree information*

Memo Book (encl. 49A – C)

PO Damico arrived at the incident location at 12:38 a.m. At 12:45 a.m. he arrested § 87(2)(b) and transported him to the stationhouse (See enclosure for additional details).

§ 87(2)(b) Arrest Report and Arrest Photograph (encl. 50A – D)

§ 87(2)(b) was charged with § 87(2)(b). PO Damico noted that he used physical force (restrain/control/remove) on the arrest report, but § 87(2)(b)'s condition was listed as apparently normal. His arrest photograph showed no visible injuries (See enclosure for narrative).

CCRB Statement:

On April 10, 2014, PO Damico was interviewed at the CCRB (encl. 51A – C). His statement is summarized below.

PO Damico arrived on scene at approximately 12:38 a.m. PO Damico took an “outside security position,” and stood facing the driveway. He did not see any officer use force against any civilians, and did not see any arrests take place. PO Damico saw an individual, identified via his arrest photograph as § 87(2)(b) arguing with two unknown officers, who decided to place him under arrest. They approached § 87(2)(b) and tried to grab his arms, however, § 87(2)(b) resisted arrest by flailing his arms, tensing his back muscles, and refusing to submit his hands to the officers and comply with their directives. PO Damico grabbed § 87(2)(b)'s right arm and brought it behind his back. The officers struggled to handcuff § 87(2)(b) for approximately two minutes. During this time they told him to stop resisting, but he continued to do so. § 87(2)(b) was then handcuffed, however, PO Damico did not recall who did so. PO Damico did not use any additional force against § 87(2)(b) and did not see the other officers do so. PO Damico

escorted § 87(2)(b) to a van and removed him to the 71st Precinct stationhouse. PO Damico did not observe any injuries on § 87(2)(b) and he did not complain of any injuries.

PO Damico did not approach the stairs of the house at any point during the incident, and did not see any officer use force against any civilian on the stairs. He did not see any officer discharge pepper spray, however, he could smell it and was effected by the residual effects. PO Damico did not see any officer remove their nightstick at any point. He did not see any officer utilize a chokehold against a civilian. PO Damico did not use any profanity or derogatory language during the incident, including the specific allegations, and did not recall whether any officer did so. PO Damico did not witness the incident at the stationhouse.

Witness Officers: PO LAUREN MENDIZZA and PO MEGHAN BISERTA

- *PO Mendizza and PO Biserta were assigned to Foot Post 16 § 87(2)(b), worked from 5:30 p.m. on July 4, 2013, until 2:05 a.m. on July 5, 2013, and were in uniform.*
- *See statements for pedigree information.*

Memo Book (encl. 52A – C)

At 12:35 a.m., PO Mendizza requested additional units at § 87(2)(b) for disorderly crowd, unreasonable noise.

CCRB Statement:

On May 7, 2014, PO Mendizza was interviewed at the CCRB (encl. 53A – C). On May 28, 2014, PO Biserta was interviewed at the CCRB (encl. 55A – B). § 87(2)(g)

At around 12:35 a.m., PO Mendizza was approached by a female individual in front of § 87(2)(b) who said her purse had been stolen at the location. Lt. Worobey and Lt. Weiss were on scene at that point, and as Lt. Worobey was walking over, an individual shot fireworks at the officers, and they decided to shut down the party. PO Mendizza and a few unknown officers approached the gate to tell them to turn off the music. PO Biserta stood back from the gate to perform crowd control. When the officers tried to enter the driveway a number of individuals pushed back on the gate and prevented them from entering. Some of the civilians threw bottles, furniture and chicken bones at the officers. The confrontation lasted less than a minute before Lt. Weiss was punched in the face. The individual, identified via the investigation as § 87(2)(b) was later arrested and charged with assaulting an officer, however, PO Mendizza and PO Biserta did not see the arrest take place. PO Mendizza walked a few driveways away from the gate to call for backup because it was too loud by the gate. Multiple units responded from the 67th and 77th Precincts, and Transit.

PO Mendizza entered the driveway five to ten minutes after the officers initially gained entry. People were still shooting fireworks, and throwing liquor bottles and furniture from the windows of the house. PO Velez was struck by a chair when he blocked it from hitting PO Arnone. PO Mendizza and PO Biserta did not see any officer use physical force against any civilian to gain entry into the driveway or use any force once they were inside, including the specific allegations. Pepper spray was deployed, however, they did not know which officer did so. PO Mendizza and PO Biserta did not have any physical interaction with civilians, and they did not see any of the arrests take place. PO Mendizza and PO Biserta did not use any profanity or derogatory language during the incident, including the specific allegations, and did not hear any officer do so. PO Mendizza saw some unknown officers approach the steps during the incident, however, she did

not see them interact with any individuals on the steps, and did not § 87(2)(b) PO Mendizza and PO Biserta went back to their footpost after leaving the scene, and were not at the stationhouse during the second incident.

Witness Officer: SGT. LARRY MEYERS

- *Sgt. Meyers assisted with the July 4th detail as a patrol supervisor. He was assigned to marked RMP 2546, and was in uniform.*
- *See statement for pedigree information.*

Memo Book (encl. 56A – B)

At 12:14 a.m. Sgt. Meyers arrived at the incident location. At 1:20 a.m. there were disorderly persons obstructing police actions. Two were arrested, both resisted. Minimum force was used. Sgt. Meyers received a laceration on his left pinky (See enclosure for additional details).

CCRB Statement:

On May 15, 2014, Sgt. Meyers was interviewed at the CCRB (encl. 57A – C). His statement is summarized below.

Sgt. Meyers arrived the incident location at approximately 12:14 a.m. He was not part of the initial entry into the driveway, and he did not see PO Mallilo interact with § 87(2)(b) Sgt. Meyers saw § 87(2)(b) being handcuffed by officers and assisted by holding § 87(2)(b) still while an unknown officer placed handcuffs on him. § 87(2)(b) was very aggressive, and resisted by moving his body in a violent manner, and screaming that he would kill the officers. § 87(2)(b) continued to resist and scream after he was handcuffed. Sgt. Meyers did not use any additional force against § 87(2)(b) and did not see any officer do so. Sgt. Meyers then engaged in crowd control. He did not recall using any physical force against any civilian. He did not employ pepper spray, or see any officer do so. He did not see any officer go up the steps of the house and did not recall whether any officers interacted physically with any civilians on the steps. He did not see any officer employ pepper spray or a nightstick against individuals on the steps, and did not recall seeing § 87(2)(b) interacting with officers. Sgt. Meyers denied using profanity or derogatory language, including the specific allegations, or hearing any officer do so. He did not see Lt. Weiss get punched in the face.

At 1:20 a.m., Sgt. Meyers was at the 71st Precinct stationhouse. In his memo book, he noted that two disorderly individuals, identified via the investigation as § 87(2)(b) and § 87(2)(b) were arrested for obstructing police action, however, he had no independent recollection of the incident. His memo book noted that § 87(2)(b) and § 87(2)(b) resisted arrest, that minimal force was used to apprehend them, and that he received a laceration to his left pinky, however, he did not recall how he sustained this injury. Sgt. Meyers was involved in the arrests, but he did not recall whether he used any force against the § 87(2)(b) or § 87(2)(b) He did not recall how the individuals were resisting, did not note anything in his memo book about injuries, and did not recall whether either individual requested medical attention. He did not recall whether PO Ramos used profanity, including the specific allegations.

Witness Officer: PO ANTHONY AHWAL

- *PO Ahwal was Lt. Steven Weiss' operator, and had the same tour.*
- *See statement for pedigree information.*

Memo Book (encl. 58A – C)

At 12:25 a.m., there was a large party at § 87(2)(b) with approximately There was one male black pushing an officer, and a crowd pushed through the gate in a violent manner. One male black punched Lt. Weiss in the face (See enclosure for additional details).

CCRB Statement:

On May 27, 2014, PO Ahwal was interviewed at the CCRB (encl. 59A – B). His statement is summarized below.

PO Ahwal corroborated that he and a few other officers tried to apprehend the individuals who were shooting fireworks, that they ran into the driveway and the gate closed behind them, and that a number of individuals prevented the officers from entering the driveway. One individual pushed an unknown officer, and a second individual punched Lt. Weiss in the face through the fence. PO Ahwal turned his back to the fence to make sure no individuals came up behind them. The gate opened, however, PO Ahwal did not recall how the officers gained entry. He did not see any officer use physical force to do so. He did not see any officer deploy pepper spray, was not made aware of any officer doing so. He did not recall being involved in opening the gate or using any force. One or two individuals were arrested, and PO Ahwal saw one individual in the process of being handcuffed. There were a number of officers apprehending him, and PO Ahwal did not intervene. He did not recall whether any officer used physical force towards the individual.

PO Ahwal did not recall being involved physically with civilians at any point, did not recall any officer using physical force at any point, including the specific allegations. He did not recall whether any officer approached the steps to the house, but he did not see any officer employ a chokehold, did not recall § 87(2)(b) or recall seeing any officer interact with her. PO Ahwal denied using profanity or derogatory language during the incident, including the specific allegations, and did not hear any officer do so. PO Ahwal returned to the 71st Precinct stationhouse at approximately 1:10 a.m. He did not recall any incident at the stationhouse.

Witness Officers: PO MICHAEL GONZALEZ, PO KATHERINE TEJADA and LT. MARK JABLONSKI

- *PO Gonzalez worked with PO Frank Beers.*
- *PO Tejada was Sgt. Larry Meyers' operator.*
- *Lt. Jablonski was the Platoon Commander, and worked with PO Pablo Rivera.*
- *See statements for pedigree information.*

CCRB Statement:

On June 4, 2014, PO Gonzalez was interviewed at the CCRB (encl. 61A – B). On June 5, 2014, PO Tejada was interviewed at the CCRB (encl. 63A – B). On June 12, 2014, Lt. Jablonski was interviewed at the CCRB (encl. 65A – B). Their statements are summarized below.

On July 5, 2014, at 12:33 a.m., PO Gonzalez and PO Beers arrived at § 87(2)(b) in Brooklyn after officers had already entered the driveway. At approximately 12:15 a.m., PO Tejada responded with Sgt. Meyers to the location. Lt. Jablonski and PO Rivera arrived on scene at a certain point, however, Lt. Jablonski did not recall when. None of them added any significant details, observed any officer commit the alleged misconduct, or committed misconduct. They did not witness the incident at the stationhouse.

Officers Not Interviewed

PO Frank Beers was PO Gonzalez's partner, and PO Pablo Rivera was Lt. Jablonski's partner. PO Gonzalez and Lt. Jablonski testified that officers had already entered the driveway and were dispersing the party by the time that they arrived on scene. They did not recall any substantive details that affected any of the allegations. § 87(2)(g)

§ 87(2)(b) No allegations were made against Capt. Thomas Burke, observed toward the end of the incident via video, § 87(2)(g)

Medical Records

§ 87(2)(b)
On § 87(2)(b), § 87(2)(b) was diagnosed with bruising around his left eye and upper back, and abrasions to his left shoulder. X-rays were taken, however, he did not have any fractures, broken ribs, or lung contusions. He was given ibuprofen and discharged the same day.

§ 87(2)(b)
On § 87(2)(b), § 87(2)(b) was diagnosed with non-specific head trauma and an abrasion to his left shoulder. He was directed to take Tylenol, and was discharged the same day.

NYPD Documents

SPRINTS D13070501001 and D13070501768 (encl. 67A – I)

Two arrests were recorded at 12:49:56 a.m. An ambulance was called to the 71st Precinct stationhouse at 1:13:28 a.m. for an injured MOS, PO Velez, and EMS was on scene at 1:42:18 a.m. According to the SPRINTS, only six units, all from the 71st Precinct, responded to the incident: PP16, ST1, LT1, Jump, SP4, and Impact Sgt. The investigation determined that there were far more units on scene than just these six, as evidenced by the number of officers interviewed. Additionally, PO Biserta testified that there were units from the 67th Precinct, 77th Precinct and Transit Bureau.

Video Evidence

Video 1 – Top of the Stairs at § 87(2)(b) – July 5, 2014 (encl. 25)

Video 1 is six minutes and thirty one seconds, and was taken by § 87(2)(b) with her cell phone (See IA #70). Three male officers walk up the steps. Two of the officers are unidentified, and the third was identified as PO Charles Arnone from the 71th Precinct. An unidentified officer repeatedly orders the civilians to go inside the house from 00:18 until 00:30. Two unidentified civilians challenged the officers verbally. At 00:58, the second unidentified male officer (encl. 26) says, "I don't give a fuck where you are, get back in the house." The three officers have their flashlights out and they repeatedly tell the people on the stairs to get back into the house. The video is compromised by the flashlights pointing toward the camera. § 87(2)(b) yells "no" and tells the officers to get out of the house. PO Arnone says a couple of times, "Stay calm," and the camera then faces toward the floor and shakes for a few seconds, during which time § 87(2)(b) yells, "Ow!" repeatedly.

Video 2 - Street outside of § 87(2)(b) – July 5, 2014 (encl. 24)

Video 2 is a forty-six second video taken with a cell phone, provided to the investigation by § 87(2)(b) (See IA #67). At 00:14 of the video, the camera pans to the front of § 87(2)(b) and a white male officer in a white shirt, identified via the investigation as Lt. Steven Weiss, as well as at least seven unidentified, uniformed officers were involved in a scuffle

with a black male, identified via the investigation as § 87(2)(b). Lt. Weiss punched § 87(2)(b) in the face one time with his right fist and has his left hand around the top of his head. § 87(2)(b) maintains his footing and pushes back against Lt. Weiss, preventing the officers from placing him under arrest. The other officers are also involved in the altercation, however, it is unclear exactly what force is used and by which officer. At the 00:24 mark Lt. Weiss kned § 87(2)(b) at which point the officers were able to take him to the ground. An officer repeatedly yells, "Put your hands behind your back," and an officer lifts § 87(2)(b) who is then in handcuffs, up from the ground at 00:44.

Video 3 - Aerial View of § 87(2)(b) - July 5, 2013 (encl. 27)

Video 3 is a two minute and twenty eight second video, taken by cell phone, which was obtained via Youtube.com (see IA #154). In the initial part of the video, Lt. Weiss and other officers can be seen walking around in the fenced in area. § 87(2)(b) was pacing around the driveway with a Boston Celtics #5 jersey and white pants. At 01:09 the camera panned to the right and then back left at 01:14. § 87(2)(b) fell to the ground and got up, however, it is unclear how or why he was on the ground. § 87(2)(b) then punched Lt. Weiss in the face and was swarmed by the officers nearby. Starting at 01:20 § 87(2)(b) was in the process of being apprehended by officers (same scene as street view from video 1). Lt. Weiss punched § 87(2)(b) in the head, and another officer also punched § 87(2)(b). Lt. Weiss kned § 87(2)(b) in the face, and he goes to the ground. § 87(2)(b) is on the ground at 01:36 and is placed in handcuffs. § 87(2)(b) continues to resist as he is escorted to an RMP for transport.

Videos 4 and 5 (IA #68 and 69) do not contain any footage relevant to the investigation.

Summons/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Status of Civil Proceedings (encl. 72)

As on August 20, 2014, no notice of claim had been filed by § 87(2)(b) or § 87(2)(b).

Civilians Criminal History (encl. 71A – AA)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilians CCRB History

- § 87(2)(b) filed complaint number § 87(2)(b)
[REDACTED]
- This is the first CCRB complaint involving § 87(2)(b) and § 87(2)(b) (encl. 7 - 12).

Subject Officers CCRB History

- Lt. Steven Weiss has been a member of the service for fifteen years and there is one substantiated CCRB allegation against him (1A – D).
 - In complaint number 200403440, the CCRB substantiated a discourtesy allegation against Lt. Weiss and recommended a command discipline. In February 2005, the NYPD issued instructions to Lt. Weiss.

- Sgt. Gesner Charles has been a member of the service for fourteen years, and there is one substantiated CCRB complaint against him.
 - In complaint number 201211897, the CCRB substantiated a vehicle search allegation against him and recommended a command discipline. In January 2014, the NYPD decided not to take disciplinary action against Sgt. Charles.
- PO Leonel Ramos has been a member of the service for seven years and there is one substantiated CCRB allegation against him (encl. 5).
 - In complaint number 201200928, the CCRB substantiated a frisk allegation against PO Ramos and recommended charges. In July 2012, the NYPD handed down no penalty against PO Ramos due to the statute of limitations.
- PO Richard Velez has been a member of the service for two years and PO Paul Mallilo has been a member of the service for four years, and neither officer has any substantiated CCRB allegations against them (encl. 2 – 4).

Conclusion

Allegations Not Pleaded

§ 87(2)(g) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

§ 87(2)(g) [REDACTED]
 [REDACTED]

§ 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] both alleged that officers pepper sprayed § 87(2)(b) [REDACTED] however, as detailed above in attempts to contact civilians, § 87(2)(b) [REDACTED] missed multiple appointments, and refused to cooperate with the CCRB. § 87(2)(g) [REDACTED]. Similarly, § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] alleged force allegations on behalf of § 87(2)(b) [REDACTED] pepper spray and nightstick respectively, however, § 87(2)(b) [REDACTED] was unavailable. Additionally, there was no witness or documentary corroboration, or video evidence of either allegation. § 87(2)(g) [REDACTED]

§ 87(2)(b) [REDACTED] testified that § 87(2)(b) [REDACTED] repeatedly refused officers orders to get back into the house and resisted when they tried to push him into the house. § 87(2)(b) [REDACTED] who was standing next to him at the time, physically intervened with § 87(2)(b) [REDACTED] in an attempt to get him to calm down and get him to comply with officers' directives. § 87(2)(b) [REDACTED] remained uncooperative despite additional orders to enter the house, at which point he was pepper sprayed by an unknown officer. § 87(2)(b) [REDACTED] was also hit by pepper spray in the process, § 87(2)(g) [REDACTED]
 [REDACTED]
 [REDACTED]

§ 87(2)(b) [REDACTED] said that he and § 87(2)(b) [REDACTED] were pepper sprayed, however, he was unable to describe the officer or provide further context for the situation in which they were sprayed. Additionally, § 87(2)(b) [REDACTED] did not cooperative with the investigation. § 87(2)(g) [REDACTED]
 [REDACTED]

§ 87(2)(b) [REDACTED] said that § 87(2)(b) [REDACTED] was grabbed by an officer, and that he pepper sprayed her, and § 87(2)(b) [REDACTED] also stated that § 87(2)(b) [REDACTED] was pepper sprayed, however, § 87(2)(b) [REDACTED] did

not make these allegations when she was interviewed, § 87(2)(g)

While PO Arnone admitted to pepper spraying an individual that was in the process of throwing a glass bottle at officers, no one made a specific allegation against an officer fitting PO Arnone's description, § 87(2)(g)

Multiple civilians alleged that officers pepper sprayed the crowd en masse. § 87(2)(g)

§ 87(2)(g)

Identification of Subject Officers

§ 87(2)(b) was unable to describe the officer that pepper sprayed him, however, Lt. Weiss and PO Velez both admitted to pepper spraying § 87(2)(b) to gain entry into the driveway.

§ 87(2)(g)

§ 87(2)(b) was unable to describe the officer that used force against him in the course of his arrest. PO Mallilo was § 87(2)(b) arresting officer, and admitted to using force against him in the course of his arrest. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) described the officer that spoke discourteously to individuals prior to choking him as a white male, 5'10" to 5'11" tall, with a stocky build, black, buzz-cut hair, and a slim face. § 87(2)(b)

§ 87(2)(b) who stood next to § 87(2)(b) on the stairs at the time, was unable to describe the officer. In Video 4, an officer, whose face was visible, albeit blurry (encl. 26), said, "I don't give a fuck where you are, get back in the house." None of the officers that were interviewed were the subject officer. Additionally, the undersigned viewed the MOS photographs for approximately fifty officers from the 71st Precinct, Brooklyn South Task Force and Patrol Borough Brooklyn South commands based on a number of combinations of the potential parameters for the subject officer, which yielded no match. Lastly, Sgt. Swartz from MAS spoke with the Assistant ICO from the 71st Precinct, Sgt. Cadogan, who was unable to identify the officer from the photograph sent to the command (encl. 26). § 87(2)(g)

§ 87(2)(b) described the officer that repeatedly hit her wrist against the fence as a white male, 5'7" to 5'8" tall, with a round, chubby build and red or blond hair. As per the video, there are several civilians and officers on the stairs at the time, and the video quality is compromised by the flashlights. While the video did not show any officer grab § 87(2)(b)

§ 87(2)(b) there were two officers visible prior to the alleged force: the unidentified

officer from Allegation F, and PO Charles Arnone. § 87(2)(g)

None of the other officers interviewed testified to seeing any officer interact with her.

§ 87(2)(b) was unable to describe the officers that pepper sprayed her. None of the officers that were interviewed admitted to deploying pepper spray once they had entered the driveway of

Lt. Weiss testified that he was main officer that interacted with § 87(2)(b) and that other, unknown officers assisted him in apprehending § 87(2)(b) which was corroborated by videos 1 and 3. § 87(2)(g)

§ 87(2)(b) described the officer that refused to take his complaint as a male officer behind the desk, however, he was unable to describe him in further detail. § 87(2)(b) described the desk officer that refused to take his complaint as a black male in his late thirties, with a stocky build. The desk officer at the time of the incident was Sgt. Gesner Charles, who is a § 87(2)(b)-year-old black male, stands 5'9" tall and weighs 200 pounds, and testified that an unknown individual asked to file a complaint in the stationhouse. § 87(2)(g)

§ 87(2)(b) described the officer that spoke and acted discourteously toward him and used physical force against him as a Hispanic male named "Ramos," whose name he obtained via his shield. PO Ramos is a Hispanic male, and testified that he was physically involved in § 87(2)(b)'s arrest. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Force: Lt. Steven Weiss used pepper spray against § 87(2)(b) at § 87(2)(b)

Allegation B - Force: PO Richard Velez used pepper spray against § 87(2)(b) at § 87(2)(b)

The following facts are undisputed: There were at least fifty to one hundred people at the party, people were drinking, and individuals were shooting fireworks in the street outside of § 87(2)(b). A unknown female individual from the party had her purse stolen at the party, which the officers were also investigating when they approached the gate. § 87(2)(b) and others prevented the officers from entering the driveway, despite multiple orders to do so. Lt. Weiss and PO Velez deployed pepper spray at § 87(2)(b) and were subsequently able to enter the driveway.

PO Velez and PO Mallilo both testified that prior to the use of pepper spray, the civilians at the gate, including § 87(2)(b) punched and kicked at the officers in an attempt to keep them from entering, and threw bottles and various objects at the officers. Furthermore, PO Mallilo stated that § 87(2)(b) punched him in the face when he tried to enter the gate. § 87(2)(g)

§ 87(2)(g)

According to Patrol Guide Procedure 203-11, officers must use the minimum necessary force in a police incident (encl. 0A – B). According to Patrol Guide Procedure 212-95, an officer can deploy pepper spray in a number of circumstances (encl. 0D – F). First, they can do so in order to protect oneself, or another, from unlawful use of force (e.g. assault). Second, they can do so in order to effect an arrest or establish physical control of a physically resisting person. Third, they can do so in order to establish control of a subject that is attempting to flee from arrest or custody.

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Force: PO Paul Mallilo used physical force against § 87(2)(b) at § 87(2)(b)

As discussed above, it is undisputed that § 87(2)(b) refused to allow the officers to enter the driveway. It is also undisputed by virtue of PO Mallilo’s testimony that he hit § 87(2)(b) in the arm with his nightstick and punched him in the course of his apprehension. § 87(2)(b) arrest photograph and his medical records confirm that he sustained a laceration over his left eye during the course of his arrest. According to § 87(2)(b) when officers entered the gate, PO Mallilo punched him in the right side of his jaw one time, which knocked him down. He crouched down to protect himself and was punched, kicked and stomped on all over his body for two to three minutes, until one of the officers told § 87(2)(b) to put his hands behind his back. He complied and was rearcuffed, and was punched continuously by PO Mallilo and officers on the ground, and on the way to the RMP. § 87(2)(b) denied resisting in any way.

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b). He was diagnosed with bruising around his left eye and upper back, and abrasions to his left shoulder. According to his medical records, § 87(2)(b) told medical personnel that he, “was punched in the face and

assaulted by police while being arrested.” He did not relay any additional details about the incident to medical personnel.

§ 87(2)(b) and § 87(2)(b) did not recall whether § 87(2)(b) was hit after he was handcuffed, but both testified that he did not resist. § 87(2)(b) was unsure whether § 87(2)(b) was handcuffed when the officers hit him, and he did not indicate whether § 87(2)(b) was resisting. § 87(2)(b) and § 87(2)(b) corroborated that officers used force against § 87(2)(b) however, they did not testify that the officers hit § 87(2)(b) after he was handcuffed or when he was escorted to the RMP, and they did not indicate whether he was resisting.

PO Mallilo testified that when he approached § 87(2)(b) to apprehend him by grabbing his wrist, § 87(2)(b) resisted arrest by flailing and swinging his arms, pulling away from PO Mallilo, and refusing to be handcuffed. PO Mallilo was winded from the pepper spray, and removed his nightstick and ordered § 87(2)(b) to stop resisting and place his hands behind his back. When he did not do so, PO Mallilo hit § 87(2)(b) once on his left arm with the nightstick, however, § 87(2)(b) continued to resist. PO Mallilo took § 87(2)(b) to the ground, but he still refused to be handcuffed. PO Mallilo struck § 87(2)(b) twice more with the nightstick in the same spot on § 87(2)(b) left arm, but § 87(2)(b) continued to resist. PO Mallilo then punched § 87(2)(b) in the face a couple of times, and was finally able to roll him over and place him in handcuffs with the help of PO Norwood and an unknown number of unidentified officers. PO Mallilo denied striking § 87(2)(b) after he was handcuffed, or seeing any officer do so. He denied stomping on § 87(2)(b) and observed a cut over § 87(2)(b) eye as a result of the incident.

PO Norwood testified that he saw PO Mallilo attempting to place § 87(2)(b) under arrest, and that § 87(2)(b) was resisting, however, he did not recall how he was doing so. PO Norwood did not recall whether PO Mallilo used any force against § 87(2)(b). He assisted PO Mallilo by pulling § 87(2)(b) hands behind his back and handcuffing him. § 87(2)(b) resisted by tightening his arms, and it took approximately one minute to handcuff him. PO Norwood did not see PO Mallilo use any force against § 87(2)(b) while he handcuffed him. PO Norwood picked § 87(2)(b) up, escorted him to their RMP, and placed him inside. § 87(2)(b) did not resist after he was handcuffed, and PO Norwood observed a cut on his forehead at the stationhouse. PO Norwood did not use any physical force against § 87(2)(b) after he was handcuffed, and he did not see any officer do so.

None of the other officers that were interviewed witnessed § 87(2)(b) apprehension, or his subsequent transport to the RMP.

At the 00:10 second mark of video 3, there are a couple of officers standing over an individual that is face down on the ground inside the gate to the left side. § 87(2)(g)

§ 87(2)(g) Although the video was not of the best quality and the area in question was dark throughout, the officers did not seem to strike § 87(2)(b) after he was handcuffed, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Offensive Language: Officers made remarks to individuals based on race at

§ 87(2)(b)

§ 87(2)(b) alleged that an officer yelled, “Get the fuck out of here. Get your asses out of here. Get these niggers out of here. Get these monkeys out of here.” § 87(2)(b) testified that some of the officers, who he could not describe, said, “Let’s get these monkeys, let’s punch these monkeys.” § 87(2)(b) testified that an officer said, “Get these fucking monkeys.” None of the other witnesses corroborated any of the statements alleged.

All officers interviewed denied using the alleged offensive language, or hearing any officer do so, and the video footage does not capture any of the alleged statements.

§ 87(2)(g)

Allegation E – Discourtesy: An officer spoke discourteously to individuals at § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that an officer yelled, “Get in the fucking house,” to him at the top of the stairs. He testified that he and § 87(2)(b) who was standing next to him, both questioned the officers when they ordered them to go into the house.

§ 87(2)(b)

§ 87(2)(b) testified that the officers repeatedly told the individuals at the top of the steps, including himself and § 87(2)(b) to get into the house. § 87(2)(b) refused to do so, and even physically resisted when the officers attempted to push him back into the house.

In video 1, an unidentified male officer repeatedly tells the individuals at the top of the steps to go into the house. Multiple civilians can be heard cursing at the officers and questioning the orders. The same male officer then said, “I don’t give a fuck where you are, get back in the house.”

§ 87(2)(g)

In certain stressful police encounters, an officer may use limited profanity where needed to gain compliance or maintain control of a situation. *NYPD v. Court*, 79627/04, (OATH). (encl. 0G – Q).

§ 87(2)(g)

Allegation F – Force: An officer used a chokehold against § 87(2)(b) at § 87(2)(b)

§ 87(2)(b) alleged that in response to him asking what was going on, an officer grabbed him by the throat and squeezed it for five to ten seconds. He did not allege any pain, injury, or restriction of breathing.

§ 87(2)(b) who was standing next to § 87(2)(b) on the stairs, testified that the officer grabbed § 87(2)(b) by the collar, but did not say anything about the officer choking him. Despite the fact that § 87(2)(b) testified that the video footage started after the chokehold, the footage obtained from § 87(2)(b) shows the officers attempting to corral the civilians on the stairs into the house, and at no point do any of the officers put their hands around anyone’s throat or choke them, especially not for five to ten seconds.

§ 87(2)(b) and § 87(2)(b) were also on the stairs during the incident, however, neither of them corroborated the chokehold.

None of the officers that were interviewed testified to interacting with § 87(2)(b) at the top of the stairs, employing a chokehold against him, or seeing any officer do so. Additionally, § 87(2)(b) was not arrested at the scene, § 87(2)(g). Lastly, § 87(2)(b) did not seek any medical treatment.

§ 87(2)(g)

Allegation G – Force: An officer used physical force against § 87(2)(b) at § 87(2)(b)

§ 87(2)(b) alleged that an officer grabbed her wrist of the hand that she was using to record the incident and hit it against the nearby gate five times.

In the video footage, the camera view goes down toward the ground, and § 87(2)(b) yells repeatedly, but the camera does not capture what happened, and § 87(2)(b) did not describe what was happening as it happened.

§ 87(2)(g)

Allegation H – Force: Officers used pepper spray against § 87(2)(b) at § 87(2)(b)

§ 87(2)(b) alleged that a group of officers pepper sprayed her while she was at the top of the steps.

There was no video footage that showed officers pepper spraying the group on the steps.

§ 87(2)(g)

Allegation I – Force: Lt. Steven Weiss used physical force against § 87(2)(b) at § 87(2)(b)

Allegation J – Officers used physical force against § 87(2)(b) at § 87(2)(b)
The investigation was unable to obtain a statement from § 87(2)(b) however, it is undisputed that force was used against him based on witnesses' testimony, video footage corroborating that Lt. Weiss and other officers used physical force against him, and Lt. Weiss' testimony.

In video 3, § 87(2)(b) can be seen pacing back and forth in the driveway, in clear violation of the officers' lawful orders to disperse from the location. At the timestamp 01:18 of video 3, § 87(2)(b) punched Lt. Weiss in the head, at which point Lt. Weiss and a number of nearby officers grabbed § 87(2)(b). At the 00:15 mark of the video 2, Lt. Weiss and at least seven other officers were involved in a scuffle with § 87(2)(b) who resisted throughout. Lt. Weiss punched § 87(2)(b) in the face one time with his right fist. The officers were successful in taking § 87(2)(b) to the ground after Lt. Weiss knelt § 87(2)(b) at the 00:24 mark. An officer repeatedly yells, "Put your hands behind your back." It is unclear when exactly § 87(2)(b) was handcuffed, however, he was lifted up from the ground at 00:44. At the 02:08 mark of video 3, § 87(2)(b) was still pulling back from the officers as they attempted to escort him to an RMP for transport.

According to § 87(2)(b)'s arrest report, physical force was used in his apprehension, but his physical condition was listed as apparently normal, which was corroborated by the command log. According to his arrest report narrative, he acted in a "violent and tumultuous manner," and, "flailed his arms refusing to be handcuffed." His arrest photograph revealed no visible injuries. According to Lt. Weiss, § 87(2)(b) ran up to him from the side and punched him in the face. § 87(2)(b) tried to run, however, Lt. Weiss grabbed him and pushed him against a nearby parked vehicle. He attempted to take § 87(2)(b) to the ground, but § 87(2)(b) actively resist by flailing his arms, struggling and trying to escape. Lt. Weiss put his left arm around the back of § 87(2)(b)'s head and punched him in the face and head with his right hand two or three times,

however, § 87(2)(b) continued to resist. Nearby officers grabbed § 87(2)(b) and assisted in apprehending him, however, Lt. Weiss did not see if any of them used force against § 87(2)(b). At a certain point § 87(2)(b) lowered his head and Lt. Weiss struck him in the face with his right knee. § 87(2)(b) fell backward onto the ground, and the other officers grabbed § 87(2)(b) and handcuffed him. § 87(2)(b) continued to resist after he was handcuffed and was jumping around and screaming. § 87(2)(b) smelled like alcohol, that combined with his behavior led Lt. Weiss to believe that he was intoxicated. Lt. Weiss did not recall whether § 87(2)(b) sustained any injuries and did not see him at any point after he was arrested. Lt. Weiss went line of duty as a result of the incident, and LOD and AIDED reports were prepared for him.

None of the other officers that were interviewed testified that they were involved in § 87(2)(b)'s arrest, and only PO Mallilo was able to corroborate that Lt. Weiss punched § 87(2)(b) in the face a few times.

According to Patrol Guide Procedure 203-11, officers must use the minimum necessary force in a police incident (encl. 0A – B).

§ 87(2)(g)
[REDACTED]

Allegation K – Abuse of Authority: Sgt. Gesner Charles did not process § 87(2)(b) and § 87(2)(b)'s complaints at the 71st Precinct stationhouse.

§ 87(2)(b) and § 87(2)(b) both alleged that they asked to file complaints at the 71st Precinct stationhouse, but that Sgt. Charles refused to do so. § 87(2)(b) went to the stationhouse with them.

§ 87(2)(b) testified that he asked Sgt. Charles to file a complaint, and that Sgt. Charles responded, “For what? That’s what you get,” and directed them to leave the stationhouse. § 87(2)(b) testified that he asked Sgt. Charles to file a complaint multiple times, but that Sgt. Charles ignored him.

§ 87(2)(b) testified that § 87(2)(b) asked a black, female officer behind the desk to file a complaint, however, she did not recall whether the officer responded. § 87(2)(b) also asked to file a complaint from an unknown officer, however, § 87(2)(b) did not recall if there was any response.

PO Ramos testified that two individuals that he did not recall, identified via the investigation as § 87(2)(b) and § 87(2)(b) entered the stationhouse and approached the desk. He and Sgt. Charles both testified that one of the individuals asked to file a complaint. Sgt. Charles testified that he pointed to the telephone number on the wall for the CCRB, and the individual took a picture with his cell phone. Sgt. Charles also provided a hard copy of a CCRB complaint form and told the individual that he could fill it out at the stationhouse or file it from home, however, the individual left the form at the desk and left after twenty-five to thirty minutes in the stationhouse. He denied telling any of the individuals to leave at any point, or refusing to take a complaint. PO Ramos also testified that he pointed to the number for the CCRB, however, he

said that § 87(2)(b) cursed at him and said that the police department was going to cover it up. PO Ramos said that the conversation went on in such a circular manner for five to six minutes, and that he asked § 87(2)(b) if he wanted to file a complaint four or five times. § 87(2)(b) refused each time, and he and § 87(2)(b) left the stationhouse.

§ 87(2)(g)

Allegation L – Discourtesy: PO Leonel Ramos spoke discourteously toward § 87(2)(b) outside of the 71st Precinct stationhouse.

§ 87(2)(b) testified that when he told the officers to leave § 87(2)(b) alone, PO Ramos said, “§ 87(2)(b) if you don’t want no fucking problems, get the fuck out of here.” When he showed PO Ramos his PBA card, PO Ramos said that he did not give a “shit” about it. After § 87(2)(b) was arrested, he asked PO Ramos why he hit him. PO Ramos responded, “Shut the hell up. If you want more problems, just keep talking shit all you want.” § 87(2)(b) and § 87(2)(b) were then escorted into the stationhouse together.

§ 87(2)(b) was outside with § 87(2)(b) at the time of the alleged discourtesies and confirmed that § 87(2)(b) removed and brought up the PBA card, but did not corroborate any of the alleged discourteous statements.

PO Ramos denied using any profanity towards § 87(2)(b) including the specific allegations. PO Arnone was outside during § 87(2)(b) and § 87(2)(b)’s arrest, and he did not hear PO Ramos use profanity toward § 87(2)(b). Sgt. Meyers did not recall whether PO Ramos used any profanity outside of the stationhouse.

§ 87(2)(g)

Allegation M – Discourtesy: PO Leonel Ramos acted discourteously toward § 87(2)(b) outside of the 71st Precinct stationhouse.

§ 87(2)(b) alleged that when he presented his PBA card to PO Ramos, PO Ramos, cracked the card and threw it on the ground, which § 87(2)(b) corroborated. § 87(2)(b) did not provide the broken card.

§ 87(2)(b) corroborated that PO Ramos took § 87(2)(b)’s PBA card and broke it.

PO Ramos testified that § 87(2)(b) pushed the PBA card within a few inches of his face, and PO Ramos pushed it away from himself, however, he denied taking the card from § 87(2)(b)’s hand. PO Arnone and Sgt. Meyers did not recall any interaction involving a PBA card.

§ 87(2)(g)

Allegation N - Force: PO Leonel Ramos used physical force against § 87(2)(b) outside of the 71st Precinct stationhouse.

It is undisputed by virtue of § 87(2)(b) and PO Ramos' testimonies that PO Ramos forced § 87(2)(b) to the ground, § 87(2)(g)

§ 87(2)(b) alleged that after PO Ramos pushed him to the ground, causing his face to make contact with the ground, that he was punched in the back and arms by unknown officers for an unknown amount of time. He admitted to freeing his left arm on the way to the ground, § 87(2)(g). Officers repeatedly told him to stop resisting once he was on the ground, however, he denied doing so. He sustained a laceration to his right eyebrow, an abrasion on his left shoulder, and had wrist pain and vision problems, § 87(2)(g). § 87(2)(b) told medical personnel that he was, "traumatized by five police officers," and that they, "hit him in the head." He did not mention any additional force against him in his statement to medical personnel, including whether he was punched in the back or arms by officers. He was diagnosed with a head injury and an abrasion to his left shoulder.

There was no arrest photograph available for § 87(2)(b)

§ 87(2)(b) the only civilian witness, saw multiple officers grab § 87(2)(b) but was taken inside the stationhouse and did not witness the subsequent apprehension. § 87(2)(b)'s left eyebrow was bleeding when he was brought into the stationhouse a couple of minutes later, and he told § 87(2)(b) that he was thrown to the ground by officers. § 87(2)(b) did not mention any officer punching or kicking him.

According to PO Ramos' testimony, while PO Arnone was in the process of apprehending § 87(2)(b), § 87(2)(b) approached from behind him and put his hands on PO Arnone's shoulders. PO Ramos pulled § 87(2)(b) off of PO Arnone and told him to leave the area. PO Ramos turned around to assist PO Arnone, at which point, § 87(2)(b) moved to grab PO Arnone again. PO Ramos grabbed § 87(2)(b) and forced him to the ground face down, however, he did not recall how he did so. § 87(2)(b) resisted PO Ramos by pulling back against the takedown. He landed on the ground facedown, pulled his arms underneath his body, and refused to give them to PO Ramos. PO Ramos ordered § 87(2)(b) to stop resisting and give him his hands, however, § 87(2)(b) continued to resist for about one minute. PO Ramos pulled § 87(2)(b)'s left arm behind his back and handcuffed it, and then his right. No other officers assisted in apprehending § 87(2)(b). PO Ramos denied punching § 87(2)(b) or using any additional force to handcuff him.

PO Arnone corroborated that § 87(2)(b) was face down on the ground when he was handcuffed, however, he did not recall whether his face made contact with the ground. He did not recall whether § 87(2)(b) resisted, however, he believed § 87(2)(b) did so based on the amount of time that it took to handcuff him. Sgt. Meyers noted in his memo book that § 87(2)(b) resisted, however, he did not recall how he did so. He said that the minimum force was used to apprehend § 87(2)(b) however, he did not recall what specific force PO Ramos used. PO Arnone did not recall whether PO Ramos punched § 87(2)(b). PO Arnone picked § 87(2)(b) up from the ground and escorted him into the stationhouse. § 87(2)(b) had a small laceration over his left eyebrow, however, PO Arnone did not know how he sustained it. According to Patrol Guide Procedure 203-11, officers must use the minimum necessary force in a police incident (encl. 0A – B).

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date